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THEIR EMPLOYEES AND THE PUBLIC



14 DAYS
BOOK

JOHN E. MILES

To Prof Eliot
Compliments of the author
Jm E Mills

©

The Railroads Their Employes AND The Public

A DISCOURSE UPON THE RIGHTS, DUTIES
AND OBLIGATIONS OF EACH
TOWARD THE OTHER

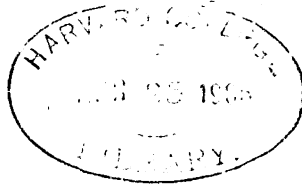
BY
JOHN E. MILES

BOSTON

*Plymouth, Mass.
1906.*

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Gratis.

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PREFACE.

To assist in uniting more closely the railroads, their employees, and the public, is the ulterior purpose of the author of this book. While adhering to facts, in all essential details, an effort has been made to present these matters in as entertaining a manner as possible. Throughout the book, the scope of which is shown in the Introduction (Chapter I.), accounts are given of attempts to put into practice certain sociological theories of President Eliot of Harvard. This widely known educator has been quoted as saying:

"It is a general fact that corporations wish to conceal their methods of doing business, and that labor unions also wish to conceal their reasons for demanding more pay or less work. Therefore, the means of procuring publicity in regard to such matters ought to be diligently sought by the American people as a whole. We have many means of publicity. The local newspaper will not serve us. The great metropolitan newspaper might, the magazines might, legislative commissions might. They do not always, but they might. It is for the American people to seek thorough information on all these industrial struggles, and to spread abroad among the people sound notions concerning their causes and their results. Then, I think, we may all hope that we shall find a way through these formidable social dangers."

Having the above in mind, to President Eliot of Harvard, I respectfully dedicate this book.

JOHN E. MILES.

“I know that the world, the great big world,
From the pauper to the king,
Has a different tale from the tale I tell
And a different song to sing;
But for me, I care not a single fig,
If they say I'm wrong or I'm right,
For I'll always go in, if I go in at all,
For the under dog in the fight.”

RAILROADS

THEIR EMPLOYES AND THE PUBLIC

CHAPTER I.

INTRODUCTION.

The position of the railroad engineer is fittingly illustrated by the following incident.

When Sir William Van Horne was president of the Canadian Pacific Railway, the racing of that road's and the Grand Trunk trains into Montreal was a constant source of danger to the public.

Agitation grew hot. The city passed an ordinance to prohibit such contests of speed. Van Horne called his engineers together one morning and read aloud the ordinance.

"Now, men," he said, "That's the law, and you've got to obey it. I will suspend any engineer who breaks it. That's all I've got to say except this: God help the engineer that lets a Grand Trunk train beat him into this town!"

From my earliest recollections I have been associated with railroad men, always deeply interested in their work and in their organizations, and I believe I know them as they are. For the past four years I have given my time and spent my money to merit the confidence of my associates, as shown by them in electing me to the position of their legislative representative. These pages have been written for the purpose of encouraging a greater interest in our profession, elevating our standing in society, and securing

for us in public opinion a "square deal" when tried for failures.

After years of study and thought upon the relations between railroad officials and employees, and the obligations of both to the public, as a practical railroad man, I pretend to be qualified to express opinions worthy of the consideration of persons interested in the subject, whether as public-spirited citizens, railroad officials, or railroad employees. That I might approach the subject without prejudice I have endeavored to believe, that corporations are not to be considered necessarily antagonistic to working men, and that the officials of these corporations are desirous of the employees' well-being as a necessity to the success of their companies; that the aims of labor organizations are honorable, and their purposes the attainment of high ideals and good living.

Labor and capital are useless in themselves, and have been described as holding the relationship of hooks and eyes. Railroad officials pretend to be surprised that employees are not more interested. Not one employee in a hundred has reason to believe the officials care whether he takes an interest or not. The cheap fellow will advance as quickly, and by his indifference make the work of the worthy man just that much harder.

The claim is made that this is the work of seniority. Seniority simply asks that a man be given a chance to demonstrate his ability. If there is any man desirous of his place who stands lower upon the ladder of time and can prove superior qualifications for the position, it is simply the fault of the official that the services of the best are not obtained. Differences and disputes will arise, but we should ever keep in mind the interests and rights of others, and remember we are both servants of the public we serve.

We can easily compare the position of the locomotive engineer with the office of the president of the railroad;

the more we go into the details of either the easier the comparison becomes. The one is selected to take charge of a locomotive attached to cars, and is expected to fulfill a certain contract entered into with the passengers, whereby for value received the railroad agrees to deliver them at their destination at a specified time. The other is chosen by the directors to assume the responsibility of directing the affairs of the railroad, that the company may be prepared to meet all obligations when due.

If the engineer has an engine capable of furnishing the necessary power, unless confronted by unforeseen obstacles, his task may be a pleasant one, but if met with adversities, such as breakdowns, low steam or head winds, every economy of power must be practiced to bring the train in on time. If the president is furnished a railroad not too heavily burdened by overcapitalization, with its consequent drain upon the revenues of the road, his task may be a pleasant one, but if met with such adversities as dull times, or many of the causes leading up to decrease of net revenue, he must lay himself open to adverse criticism in order to fulfill his agreement.

At a convention of railroad men held in Topeka, Kan., President Roosevelt uttered words consistent with his life and character. He said in part:

"I have a great deal of faith in the average American citizen. I think he is a pretty good fellow, and I think he can generally get on with the other average American citizen if he will only know it. If he doesn't know it and erects him into a monster in his mind, then he won't get on with him, of course; but if he will take the trouble to know it and to realize it that he is a being just like himself, with the same instincts—not all of them good—the same desire to overcome those that are not good, the same purposes, the same tendencies to shortcomings, the same desires for good, the same need of striving against the evil—if he

will realize that, and if you can get the two together with an honest desire each to try, not only to help himself, but to help the other, most of our problems will be solved."

The above wholesome doctrine most aptly applies to the railroad employees. There is a "monster" in every branch of every department of the railroad, and it goes by the name of "they."

✓ The engineers speaking of "they," allude to the master mechanic and superintendent.

The same men would be greatly surprised to hear a similar assertion concerning themselves made by the firemen or machinists. The engineers would be likely to enquire if these men did not ask for work when they came, and if they did not receive pay for the same. The locomotive engineers feel greatly aggrieved if obliged to take out engines in bad order or steaming poorly, justly claiming some recognition if success is attained under such conditions. To whom should they look for the credit we feel due for work well performed?

The president is selected by the board of directors to execute the policy of the railroad. He secures the assistance of vice-presidents, to whom he delegates traffic, operating, law, maintenance of way, etc., etc.

The vice-president, responsible for traffic, appoints a general manager, who will reflect the ideas of the vice-president upon the officers selected to receive them in the various departments. Divisions are made in these various departments, and we come down to the division superintendent and the division master mechanic.

✕ These men issue notices and orders, inspired by the general officers, and possess little or no initiative. An instance is known where a superintendent in deciding the penalty for infringement of a rule took into consideration the previous good conduct of the offending employee. For what was considered by a

higher authority, far removed from the actual scene, to be too great leniency upon the part of the superintendent for not depriving the family of this employee of the means of livelihood for a greater length of time, the superintendent received what would practically be considered a reprimand. In the light of these facts the superintendent and master mechanic are not the "monsters" we suppose them to be. There must be a cause and some one responsible for the existing conditions upon the railroads. With due deliberation, I desire to say there never was a time in railroading when employees received as good wages, when their labors were as light and hours of employment as reasonable as at the present time. And, in the face of these facts, there never was a time when there was less interest, more discontent, uncertainty and dissatisfaction than exist today. For the cause of this the opinion of one man is as good as another's; my guess, speaking in general, would trace it to too much system (red tape), destroying united interest.

As an engineer, I would trace the cause to the pooling of engines, and to seniority as it is applied.

In the earlier days of railroading the engine was considered as almost the personal property of the engineer. Later a policy was adopted which was expected to bring greater returns from the capital invested in the motive power. This was the policy of pooling the engines, which had the effect of destroying the spirit of individual interest, and the results are very apparent to all concerned.

As to seniority. "Rights of engineers to preference of runs shall be governed by seniority in service. An engineer losing his run by reason of its having been discontinued, or having been taken by an engineer his senior, or for any reason not brought about by any fault of his own, shall be entitled to take any run on the same division held by an engineer his junior in seniority."

This is a rule in vogue on many of our railroads, made some time ago upon the request of the employees, and aimed to destroy the practice of favoritism. It is a question whether or not the effect of this rule, or its possibility for harm to both the company and the employees, was understood at the time of making the request.

To instance the effect of this rule, a case can be mentioned where a change was made in the run of an engineer rated high on the list of seniority. This change, which was a misfortune, to one man, made it possible to break up the home life of every man his junior in seniority. There is always a general feeling of uncertainty as to the stability of employment or permanent place of abode.

President Eliot, addressing an audience in Boston upon the subject of relations between employer and employee, stated: "It is an intensely interesting inquiry what modifications of existing labor conditions will tend toward permanent industrial peace, and be absolutely consistent with the democratic ideal of liberty. To that inquiry I turn."

He then enumerated the following conditions as desirable for the workingman: (1) Steadiness of employment. (2) Settled place of abode. (3) A voice in the discipline and management of works.

Steadiness of employment is reasonably desired by both the workman and the employer. * * * * *

"Another common need for workmen and employers is that condition of labor which permits the laborer to have a settled place of abode. A nomad population can hardly be a civilized one. Only a firmly settled laboring population, which desires and expects to pass its life in one spot can be really happy and contented and produce good citizens. The family which lives without love of its home, or pride in its local surroundings, is not the kind of family a free state needs. It cannot procure some of the most solid advantages of life. It cannot develop in its children

the sentiments on which patriotism is founded. Hence, durable improvement in the condition of any body of laborers must contemplate a localized industry and terms of employment which make possible the creation and preservation of permanent homes.

"It follows that employers or associations of employers that import, or bring from afar, wandering work people having no local attachments, impair the prospect of establishing just and satisfactory relations between capital and labor.

"From this same point of view it is undesirable that the managers of a business conducted by a large corporation should be non-resident. The managers of a factory ought to live in the same place with the work people, in order that they may all have local interests and daily friendly relations. On the other hand, so far as labor unions encourage or compel the migration of laborers from one place to another, abandoning employment here, enlisting there, and forming one connection after another without any intention of settling anywhere, they postpone the only satisfactory solution of the laboring man's problem—a secure, steady employment at wages which will make a settled family comfortable."

Upon another occasion President Eliot, speaking at the Colonial Club, Cambridge, on "Labor Unions From the Educator's Point of View," is quoted in the Boston Evening Transcript of November 24, 1902, as saying in the course of his remarks: "The making of a permanent home means that the home creator has opportunity to form local attachments, to evince public spirit, and to win for himself local reputation among his neighbors. Neighborhood reputation is the most rewarding kind of reputation. These aids to the development of character, and these sources of happiness the nomad workman loses completely. Therefore a wandering, unattached condition for labor is always

unhappy and inexpedient, whether we regard the interests of the individual or the interests of society."

"In view of this situation it is manifestly important to discuss frankly and publicly any labor union doctrine or practices which seem dangerous to society or hurtful to the men who adopt them." This is especially true of employees of all public service corporations, but more particularly so of the men employed by our steam railroads. Many men look upon our railroads as though deriving a revenue from an ever flowing source, the distribution of which is of little, if any, consequence. Yet it is ever the public that has to suffer for our indifferences.

To discuss these subjects frankly, one must be independent of corporation influences, fearless of the criticism of the thoughtless, and above the hollow praises of the demagogue type.

CHAPTER II.

THE RIGHTS OF AND OBLIGATIONS TO THE PUBLIC BY AN
OBJECT LESSON.

There are certain conditions every man seeking employment upon a railroad should carefully consider and be prepared to accept, to wit, the rights of the public and our duties and obligations to the same. These obligations extend so far that practically little difference can be found between the position of the railroad employee and that of the enlisted soldier, in the relations of each to the public.

It sometimes happens that it is not until we have a personal interest in some case that we are aroused to appreciate how much depends upon each of us individually as employees of the railroad to make possible the successful completion of well laid plans of a large number of passengers. To emphasize this statement the introduction of a personal experience may be considered pardonable.

As I sat upon my engine, attached to one of the early morning trains from Plymouth, orders were received to take extra cars in anticipation of increase of travel.

Noticing the apparent dejected spirit of the fireman as we made the engine ready for the trip, I inquired the cause and learned that the young man's mother, living in a city some miles from Boston, was in poor health, and he had promised to see her that day. A difference of four minutes existed between the scheduled arrival of our train and the departure of the train he wished to take for the home of his mother.

No thought of failure to make this scheduled time had occurred to him; but now with this extra load upon an engine already over-loaded, or at least taxed to her capacity,

his hopes faded, and the thought of the disappointment to his sick mother made him sad.

Too many railroad men give up to adversities without a creditable effort to win. Such men are not moulded from the material that makes successful railroad men. No man knows his full abilities until he meets emergencies. What more inspiring ground in the world could be chosen to advocate these principles than that where we stood, in old historic Plymouth?

Hear the surf breaking upon Brown's Island with the same ominous roar that greeted the little band of mariners aboard the Mayflower. See the very stone the Pilgrims stepped upon; the threshold of the first colony in New England. Scarcely eighty rods away is the spot where that sturdy warrior Myles Standish built his fort and infused by his indomitable will the spirit of hope and success in his companions. Across Duxbury Bay, erected upon Captain's Hill, we can see the monument in memory of this man to whose courage all New England owes so much. Standing upon such historic ground, is the man worthy of the name American that will submit to failure without a trial for success? (Admitting our trip will be a fight against odds, we will try and make Boston on time.) Inspired by these surroundings or encouraged by the hope that the mother awaiting his coming would not be disappointed, a look of determination grew upon the face of the fireman, and the spirit was shown in every action as he completed the arrangement for the trip.

Starting on time, and leaving the "short line" at Kingston, our way was via the South Shore through Duxbury. We are still upon historic ground and pass the spot where John Alden built the home for Priscilla, that fair Puritan maiden. From Duxbury and Green Harbor, we take as passengers many men prominent in business and affairs of state. From Marshfield to

the next station is about three miles and a climb of a three per cent. grade. The load tells upon our engine, and here we lose our first minute. Two more minutes are lost at Marshfield Hills, where we take water and load express. Over the level track, and the North river marshes, our engine races to pick up a minute of this lost time; the hopes of the fireman rise and fall with the slightest variations on the steam gauge, but his determination has become fixed, while his energies are taxed to the limit. Full well he knows the footboard of a locomotive is no place for a weakling in either mind or body. We pick up a minute only to lose it again at Greenbush station; here watching the fireman drink from the jug filled at the spring, I am reminded that a short distance down the lane from this station is "the orchard, the meadow, the deep tangled wild-wood" made immortal by Woodworth. We have no time for reveries, for under existing conditions these three minutes mean so much. From Scituate to Egypt, upon either side of the track, is beautiful Dreamworld. On our left, coming down the long circuitous drive, guiding a pair of mettlesome thoroughbreds, is the owner of this ideal place. We race side by side to the station, where, passing the reins to the coachman, he hastens toward the train, one can see in every action the independent spirit of the author of "Frenzied Finance"; the man for whom this train is called "The Lawson."

If we do not make the next fifteen miles in seventeen minutes our rights are lost to another train. Many times with a lighter train we have accomplished this, but it would be reckless under existing conditions to attempt it today. How often we suspend the most important matters to watch the fire apparatus pass through our crowded streets; it is not the high rate of speed that attracts us, but we admire the nerve to dare, the courage to execute and none the less the judgment to restrain.

There are many things in common between the position of one of these drivers and the work of a locomotive engineer running an express train upon our railroads of New England.

Each is prepared, through the faculties of a trained mind, to act instantaneously in cases of emergency, yet in the face of the gravest dangers each must preserve the utmost self-control.

Boston is the only remaining stop for our train, and upon that end we hope to make up the three minutes still against us.

We slow for the reverse curves at Cohasset, where the fireman catches a register clearance.

Back upon straight track again, we ask Boston for help. Upon the back of a signal report blank, this message is written and thrown to the next station agent to be wired to Boston from there: Train Dispatcher, Boston—5076 at Braintree, 8.41. Hold 5078. Now it is up to our engine. For six years we have been together, she and I, and upon the performance sheet in the train dispatcher's office not a failure can be traced to her. Will she uphold her record today? We shut off for the curves through Hingham, and from her open safety valve the escaping steam is hissing as though screaming her displeasure at being checked. As we swing through the curves of the Weymouths the fireman skillfully feeds the fire as she digests it. At 8.41 we pass Braintree; 5078 standing there. It is ten miles further to Boston; the fight is not over yet. Through Quincy, Atlantic, Neponset—and now for a "Garrison drive." We wind through the tracks of the terminal into Boston, on time; demonstrating what we can do if we try. Nothing to speak of, is this run; if compared with what hundreds of engineers do every day.

In the afternoon the fireman was back from his mother's bedside and I asked him for news from his home. He replied, "My mother was watching so for me; how sad it would have been, had I not come."

Upon our trip of that morning we carried some four hundred people; they had paid toll to the railroad for safe conveyance to their destination on the scheduled time; we received our share of this money. Were we not at least under moral obligations to perform our part of the agreement? How many a good fellow's mother or sister or loved one may be made sad if we fail?

In these days of systematic methods of railroading, a passenger can leave San Francisco, wire a business friend to meet him at the Boston Terminal at a specified time four days later, and, as a rule, keep the appointment. To make this possible, requires that each person interested perform his allotted duty in connection with the purpose.

In our local service the delay of a few minutes may mean the loss of an hour's employment, with its consequent loss of wages, to some shop girl or mechanic going to their work. There are times when the interests of hundreds may be jeopardized by the delay of a particular passenger reaching "the tape" on time.

Were these facts more generally considered much better service would unquestionably result, and the railroad employees would attain a stronger influence upon the public good will. The necessity of having the support of public opinion is every day becoming more and more apparent to labor organizations. Owing to the many ill-advised and poorly-conducted strikes and boycotts the sympathies of the public are gradually drifting from the cause of organized labor.

When we lay claim upon these sympathies of the public and ask that their influence should be exerted in our behalf, we should be prepared to show our claim is based

upon the principle that we are entitled to this consideration for value the public has received.

Looking about for a means by which it would be possible to exemplify our desire to aid in all matters affecting the interests of the public, naturally we turned to that body, which unquestionably represents in the highest degree the industrial and commercial interests of Massachusetts, the Boston Chamber of Commerce.

CHAPTER III.

THE LABOR ORGANIZATIONS IN THE STUDY OF POLITICAL
ECONOMY.

Fortunate indeed is this influential body, composed of the ablest and most representative business men of Massachusetts, to have at its head two men of such marked ability as President Henry M. Whitney and Elwyn G. Preston. Many times it has been my pleasure to listen to these men elucidate problems in commerce, and champion the cause of friendlier trade relations with our nearest neighbors. It is hard to conceive how the logic of their reasoning, supported by the facts ever at their command, can fail to appeal to all advocates of a "square deal."

While performing the duties of the legislative agent of the Brotherhood of Locomotive Engineers, the author was an interested spectator at the hearings held at the State House upon the question of reciprocity with Canada, and was most favorably impressed by the arguments in favor of the same. It indicated that the working people of New England might reasonably expect large reductions in the necessities of life, as well as added comforts to the home.

The representatives of our leading industries were recorded in favor of the measure. The railroad men should be and are favorable to any influence that will tend to increase business, inasmuch as they will be directly benefited with the public. Whatever influence will improve the business of Massachusetts will bring more passengers to our cars, more cars to our trains, and will put more trains upon our railroads.

Why should we hesitate to endorse reciprocity as a means of obtaining an increase of business, when we are

advised by the leading bankers, the largest manufacturers, the most successful merchants that friendlier trade relations with Canada will improve the industries of Massachusetts?

There is another factor in railroad receipts that must be seriously considered, and that is the positive decline in our export trade. Without recourse to statistics this is noticeable about us every day.

The costly appliances for handling shipments of grain are practically idle in the port of Boston, or bolstered by artificial means by the officials of the railroads, in an effort to get back the grain trade now gone perhaps forever.

Cotton coming to Boston, New York or Baltimore has been diverted to what must be admitted to be its natural channel, the gulf ports, from which steamship lines have been established. The transportation of beef from Kansas City must also eventually be influenced to a considerable extent by the gulf competition.

The proximity to coal and other supplies is gradually drawing the iron industries, that have not already moved, to the West, while for the same reason our cotton industries are being drawn to the South; leaving for New England her historical past, her universities and her summer resorts.

That these conditions are of sufficient moment to warrant anxious investigation has been shown by the deep interest upon the part of those who have been managing the steamship lines from Boston. They inform us we must look to the country to the north and northeast of us if we are to maintain our position as a commercial port, and we must offer such inducements as will secure the produce of Canada that should come to us for export.

For six months of the year Montreal is not accessible by steamers. The St. Lawrence is frozen, and they have to seek an outlet by rail. Boston is the port that should re-

ceive these shipments all the yearround. Millions have been expended in deepening and removing obstructions from the St. Lawrence, and in the summer time when the water routes are open, the transportation of freight is conducted to a large degree through these channels. We have the highest authority in commercial affairs to say if we had reciprocity with Canada, that a valuable trade would develop between Boston and the Dominion.

Yet we are advised by professional politicians that we must wait for ethical reasons until the time is ripe before we make any effort to improve these conditions. Upon ethical principles there are no men better prepared to express opinions than the railroad employees. In our organizations we are all affiliated with and under the same laws as our Canadian neighbors, and in our organizations we are ever striving to strengthen these ties.

It is fair to assume that the nearer we draw to each other commercially the more united we will become. While Canada and Newfoundland have sought a modification of existing tariff conditions the most strenuous opposition to such treaties as have been drawn has been taken by certain political leaders in the U. S. Senate. It is becoming more and more apparent every year that the continuing of this policy of exclusion of the natural products of these, our nearest neighbors, is detrimental to the industries of New England upon the prosperity of which our railroads depend. This is especially true considering the present strong agitation in favor of rate regulation. Should a law be enacted giving to a governmental commission the power to fix rates, this may be used as such power as is already in the hands of the Interstate Commerce has already been used to divert traffic from the ports of Boston and New York to such ports as are nearer the supply. In the face of such probability it appears to us a matter of self interest if for no more laudable reason that railroad

men should unite and assist the Boston Chamber of Commerce in securing the passage of such legislation as will tend to the enlargement of our trade with Canada and Newfoundland. For this reason, as well as to show the public our interest in all matters of such general importance we freely contributed our time and our money without compensation either directly from any source whatsoever.

That our services were appreciated is shown by the following letter:

Boston Chamber of Commerce.

BOSTON, MASS., April 27, 1905.

MR. J. E. MILES, PLYMOUTH, MASS.,

CHAIRMAN LEGISLATIVE BOARD,

BROTHERHOOD OF LOCOMOTIVE ENGINEERS.

DEAR SIR:

I think the work you suggest doing in connection with promoting commercial reciprocity between the United States and Canada, and which, indeed, you have already done to a very substantial extent, is admirable and cannot fail to be productive of good results. Not only are we glad of the assistance which I feel the work conducted in the manner you indicate can be, but I consider it a most hopeful sign that influential labor organizations such as yours are taking an active and intelligent interest in commercial problems and their proper solution. It indicates the growing recognition of the fact that the interests of capital and labor are identical, and that the prosperity of labor is unseparably bound up with the general commercial prosperity.

I think the Brotherhood of Locomotive Engineers, an organization which stands, I think, for the most intelligent consideration of these questions, might well take the lead in stimulating interest among labor organizations generally

in these larger questions which concern the general public welfare.

If I can be of any service to you in this connection by advice or otherwise, do not hesitate to call upon me.

Very truly yours,

ELWYN G. PRESTON, *Secretary.*

As Gladstone has exemplified, "Great evils are cured and revolutions are brought about by protestation, agitation and demonstration."

It is hard to expect in one campaign to cure the result of what many believe to be the greatest diplomatic error of the past 39 years. We appreciate the fact that we must face opposition and expect many set-backs, but the cause for which we contend is right and must prevail in the end. Some tell us Canada no longer cares for reciprocity or our friendship; that we are awakening too late to the realization of the value of the prize that might have been ours. Others tell us that we are natural rivals and competitors, and that we should not expect to be friends.

We cannot believe that this is necessarily true.

Canada has a wealth of natural resources and beauty.

We have riches, power and influence. Surely the fruits of such a union should bring benefits to both. Will it not be a bright chapter in the history of the Brotherhood of Locomotive Engineers if we are able to show that we have been an influencing factor in bringing about this union? It is an ideal worth striving for—the fellow who sticks wins. "Amongst us democrats" every man is a king. No engineer ever pulled President Roosevelt who did not feel the friendly clasp of his hand. Many times we have had occasion to seek advice from men in prominent positions and high professional standing and invariably received every consideration and courtesy it was possible to extend. Encouraged by these facts it was decided to enter the di-

plomatic field and go to Canada and study the situation for ourselves.

A favorable opportunity was afforded to obtain the desired information in the annual Union Meeting of the Canadian members of our order.

July 2d we started from Boston; our destination was Riviere Du-Loup. Our party had been augmented by delegations from other parts of New England, until at Newport, Vermont, that night we registered eighty-three.

Upon the hotel piazza and by the shores of Memphramagog, reciprocity with Canada was discussed. Upon the lake many pleasure parties admired the beautiful sunset in Canada, unconscious of the fact they had crossed the line. It was the customs official next morning who showed us where this line is drawn.

At Levis we reach the St. Lawrence; upon the opposite shore is Quebec. While we were impressed by its grandeur we were also awakened to the commercialism of the scene by the fleet of merchant marine. At the docks were mammoth ocean going steamships, sailing vessels and pleasure craft of every description. Steaming swiftly with the tide and river was a heavy-laden liner outward bound.

We asked a gentleman near us: "You cannot have this when it's cold?"

He replied: "We will fix all that in good time—from Labrador to Newfoundland is eight miles. Surveys have been made to dam the Straits of Belle Isle, shutting out the ice from the north, turning the gulf stream upon our shores, and then we'll have this all the time."

At Riv.-Du-Loup the committee of arrangements had expected six or eight hundred, but found thousands had to be provided for, but all were well taken care of and the best of good nature prevailed.

It was the night before the Fourth of July, and we wanted to celebrate. That we might not be misunderstood we asked if there would be objection.

Contrary to our expectation all joined heartily in the festivities, and from the piazza of our hotel applauded our efforts and enjoyed the red fire. The next morning small flags were provided as badges, and these were worn by all.

On our way to the place of the meeting, Phil Jones was stopped on the street by an aged man, who caressed the emblem as though he had met with a friend. "Uncle Sam—I fought for him at Antietam," then he silently turned away.

After dinner at Hotel Victoria an old man looked longingly at the flag worn by Riley. "I fought for that flag, sir; I was in Andersonville prison, too." Instantly the badge was affixed to the breast of the veteran, and as these two men clasped hands not another word was spoken by either, but a strange moisture was seen in their eyes as each passed on his way.

And yet, they tell us we cannot be friends. At our Brotherhood meeting were engineers from all parts of Canada, and as far south as Texas. States as far west as California sent delegates to this meeting. At no meeting in our memory were so many Grand Officers of our organization present as at this meeting in Quebec. To them we outlined our purpose and explained what we hoped to obtain.

The next morning arrangements had been made for an excursion out on the Temiscouta Railway. A special train of thirteen cars and two engines was furnished by this railroad for the pleasure of such of our party as cared to go over the line. Upon this trip we saw thriving centres, boom towns, where six years ago there was scarcely a house. The lumber mills have made all this possible. The products of these mills are carried by rail to the States or transferred to steamers at Cacouna for shipment abroad.

Upon this trip we talked of schemes for the good of the order; schemes for promoting closer cooperation with our

officials by means of which we could all work together and from which mutual benefit could be derived. We discussed at some length the effect of friendlier trade relations between United States and Canada, and all agreed that to men interested in transportation there could be but one side to the case.

It appears to be the most logical conclusion that it would be to the advantage of all if we could have loads each way.

Having loads each way—is not that the true definition of reciprocal trade? By the lake, at the hotel and in the shade of the trees, one could not help but feel impressed by the earnestness with which these matters were discussed.

Strolling from group to group one could readily discern the leaders amongst these men. Fortunate, indeed, is our organization in Canada to have in these leaders, coupled with ability, the principles of good judgment and honesty—the cardinal virtues in leaders of men.

The next morning arrangements having been made with the Richelieu and Ontario Navigation Company, the steamer Murray Bay was brought from Montreal for a trip to Tadoussac and up the Saguenay river to Ha Ha Bay. At eight o'clock we left Cacouna, the "Newport of Canada," which may well be described as beautiful, and in admiring the scenery we were soon using such adjectives as grand,—wonderful.

At Cape Trinity and Eternity magnificent perpendicular mountains of rock nearly 2000 feet high, at whose base our steamer floated upon the placid waters of the river more than 2000 feet deep, we could find but one word to express our sentiments, and that word was—sublime.

Upon Cape Trinity a statue of the Virgin Mary has been erected by a pious Frenchman of Quebec, who wished to perform some pious act before he died to atone for his shortcomings. This statue is 32 feet high, yet from the deck of our steamer it did not look larger than a doll. We stopped

on our way back at Tadasac, the oldest settlement in Canada, visited in 1535 by Jacques Cartier.

Here we visited a little old church built in 1648 to take the place of the log hut that served as a chapel in 1639.

Much pretty folk lore is connected with this little parish.

There are good hotel accommodations, and many things to attract the tourists. There were many pleasant incidents upon this trip that are long to be remembered, not the least of which were the pleasant moments spent with Messrs. Bouskell, George Mee and Kennedy, men known from ocean to ocean in Canada, and respected wherever known.

It was in the presence, in fact, in the arms of these men, at a banquet in Winnipeg, held in his honor that P. M. Arthur breathed his last. Can any man doubt were he living, but that he would have approved of our work of today?

That night as our boat lay at the pier at Cacouna, o'er our pipes we discussed with our Canadian brothers the purpose for which we came.

In the morning we started for Quebec. We were all well acquainted by this time, and greeted each other with an utter lack of formality. Many of the engineers were accompanied by their wives, daughters, or sisters.

The time was spent by some in watching the scenery upon either river bank. Others were singing or dancing, while a few, in secluded corners, were advocating a line of reciprocity not touched upon by the Boston Chamber of Commerce. When women exercise the right to vote they will organize an old maid's trust, call it the ladies' auxiliary to the Home Market Club, and influence legislation for protection against foreign competition. Today our single old ladies and embryo spinsters must depend upon the immigration officials to protect their interests. They may employ legal counsel to prove a promise to "love, honor and obey" given in consideration of value to be received, is an infringement of the contract labor law.

Why not settle all these questions at once. Settle them as they should be settled. Settle them rightly. Wipe out this so-called imaginary line. Gladstone's policy, if persevered in, can accomplish this act.

However, the gentlemen from Boston are not discussing the matrimonial question seriously; they refuse to be influenced by President Roosevelt's advice, or coerced by the opinion of Grand Chief Stone, who would have them believe unless they're married they're losing the pleasures of life.

While admitting the loss of conjugal affection, as enjoyed by some of their fellows, they console themselves with the thought, "'Tis better thus, a happy bachelor, and better than a wife; a friend, alone, with only half to worry, and more than twice as much to spend."

Those opposed to this reasoning will be given an opportunity to put in their side at the meeting to be held in St. Thomas in 1906.

During these days that we have been together with men who represent in the highest degree the true sentiments of our order, not one dissenting opinion was heard to our views. We are perfectly satisfied with the result of our labors, and willingly, without argument, we submit our case for your decision.

While our duties were light and mixed with much pleasure, yet we at all times kept our one purpose in view. Shaking off all cares, and in perfect abandon, we decided to spend a few days in Quebec, whose shore we are now drawing near.

While admiring the Falls of Montmorency we turned to view, with rapture, the Citadel of old Quebec, with the Chateau Frontenac, this palace hotel in the foreground, in perfect accord with the scene. Recalling the history of this city we thought of Cartier and Champlain, and Frontenac's reply to Phipps. As we looked at the guns on the

citadel, we imagined how impressive this answer could have been. We thought of Wolf and Montcalm, and of the plains of Abraham. We remembered Montgomery and Arnold, and asked ourselves, had they succeeded? What then?

Once more saying good bye to our friends, we walked up the streets of Quebec, and enjoyed every step that we took. While the beauties and pleasures of this historic city have been written in story books, time tables and tourist guides, it can never be appreciated until seen.

In the evening we watched from the King's Bastion the sunset behind the Laurentian mountains, casting a golden hue upon the clouds of the western sky, while in the valley by the side of the river were the picturesque houses of the *habitant* in view.

Could this picture be painted on canvass it would be condemned as untrue.

Below in the river, handsome pleasure yachts rode at their anchors, while the Montreal steamer passed. From the churches the angelus tolled, the same as for hundreds of years. From the barracks the bugles sounded, and we almost feared we would wake up.

The full moon, like a ball of fire, crept slowly up from behind the heights of Levis. It all seemed too real to be true. We slowly descended to the terrace and mingled with the fashionable throng, there listening to the band playing Dixie. We grew lonely, thinking of loved ones at home.

Early the next morning we strolled upon the ramparts and later accepted the courtesies extended by the Quebec Railway Light and Power Co. to go over their line. At the Montmorency Falls an interesting hour was spent about the park and watching the water tumble from a precipice 250 feet high. The entire quantity does not come this way, for the Montmorency has been "har-

nessed," held back, turned through another channel and made to generate the power that operates the railway, lights the city of Quebec, and turns the shafting of a large number of manufacturing plants. The stop at Montmorency Falls was only incidental to our real purpose, which was a visit to the far-famed shrine of St. Anne De Beaupre. Of this place, among other things, it is told by tradition that in the early part of the seventeenth century some Breton mariners, who were overtaken by a violent storm while out upon the river, solemnly vowed to their patron saint that, if delivered from the dangers surrounding them, they would build a church in her honor on the spot at which they would land. Faithful to their vows they built the church, which has ever been known as La Bonne Ste. Anne. This humble sanctuary was dear to all the people of the Cote Beaupre, but especially so to the mariners. They would come to the chapel before leaving on their trips to pray and place themselves in the care of the "Patroness of the Seafarers." The purpose that was back of the building of this church naturally appealed to the sympathies of the people and attracted others from the surrounding country and Quebec to come to pray to St. Anne in her little wooden chapel, to intercede in their behalf for blessings they wished to obtain.

In this way, more than 250 years ago, the pilgrimages began, which today visit the shrine from all parts of Canada and the United States.

We were prepared to be impressed by what we should see at the shrine, yet, notwithstanding this fact, we were immeasurably surprised. Alighting from the train we saw the Basilica, handsome and majestic, erected by the people as a token of love and veneration to the memory of their beloved Benefactress. It is a fine specimen of Corinthian architecture and is of immense proportions. The interior of the sacred edifice is said to rival the most famous cathe-

dral of the world in beauty and grandeur. As we entered the church we passed between two pyramids of crutches, canes, trusses and splints, upon which are hung spectacles, ear trumpets and surgical instruments of every description left by their former owners as silent testimonials of the saint's intercession in their behalf. Passing down the aisle we came to a handsome statue of St. Anne, which stands upon a marble pedestal, to which some venerated relics of the saint have been attached.

We entered one of the pews and watched the eager faces of sufferers, many of whom have come bereft of all hopes of relief to be obtained through the knowledge of science, to ask intercession in their behalf. These suppliants knelt before the statue, which stands over what is a reliquary of the mother of the Virgin Mary. Watching them pray we asked ourselves if it would not be a pity to weaken this faith or dim what may be their only ray of hope? We saw these people come and go, some apparently from the humbler walks of life, crippled and suffering the torture of pain. Others there were of a more cultured and refined appearance, apparently blessed with all the comforts of life, yet who can say which bears the heavier cross? Coming as idlers and sightseers, we soon found ourselves in an atmosphere entirely out of keeping with the spirits of these souls.

The mentalists and the materialists have tried to explain and to trace to natural causes the wondrous benefits received at this shrine, as they have tried in other ways to explain the mystery of life itself.

Their logic and reasoning is as a passing cloud 'neath a clear sky, dimming for the time being the brightness of light, but upon their going once more, the sunlight and warmth returns, and so it has been for 2000 years. There is a something that has never been explained; a something which controls the body, this house we live in, which decays

when this undefinable something called a spirit passes away.

Gradually it dawned upon us that in the midst of such piety and faith we were as "the uninvited guest at the feast." Slowly we left the church, resolved when we could view its treasure with a spirit more in keeping with the place we would come again. No man visiting this shrine can go away doubting the fact that miracles are performed.

Joaquin Miller, more familiarly known as the "Poet of the Rockies," says: "During the month I spent in Quebec, I often conversed with men of quality, lawyers, writers, etc., and I did not meet with any who doubted the efficacy of prayer addressed to St. Anne.

"For my part, I have not seen the blind recover their sight, but an English lady of great distinction, Mrs. G. P., related to me the details of the cure of a little girl ten years old, who had been blind from her birth. I never heard a more charming and pathetic tale. All that I know is that it is true. The narrator is of most honorable family; she is a friend of one of the greatest of living poets, and one of her brothers is a literary celebrity.

"That lady led me one day into the humble chapel of the convent of St. Anne. In a corner, a nun, dressed in black, was kneeling. She was blind. She had come from a distance; she spent her whole days in prayer, waiting to be cured. 'Will she recover her sight?' asked I. 'Yes, most certainly,' answered the good lady, and she related marvelous things she had witnessed at St. Anne's.

"That same day, I remarked in the church a poor old man all crippled, and so weak that he could not even use crutches. They helped him to drag himself as far as the statue. He sank down at its foot. As I had not come to pray, but to see, I attentively fixed my eyes on that man. Nor could I easily detach them from those features in which feeling and life seemed extinct, and so deadly pale. Yet the sufferer raised his head and his lips moved. I will say no

more, lest I might profane the subject. Let me merely add that I saw the old man restored to health, if not to youth, He arose, and I followed him as far as the door. There, he took his travelling-bag and his stick, and began to walk with a vigorous step. I followed him for a while. No doubt could remain; he was cured.

"You may think it absurd that an old dreamer and an old rhymmer, who never had faith in any religion, and who never had time to pray, should be caught relating such facts, giving his word of honor that all that has just been said is the sober and perfect truth. But so it is, the truth, and I know that the miracles attributed to St. Anne, the good St. Anne de Beaupre, as they call her, are authentic, and that if miracles were wrought in olden times, they are still wrought nowadays.

"There may come, and doubtless there will come hither many American travelers disposed to laugh at all they see. Americans are so fond of laughing. But, allow me to say it, this feature of our national character, which makes us smile at what we don't understand, and treat with contempt ideas current elsewhere, sometimes goes a great deal too far."

Returning to town, most of our party were bent upon visiting the places of interest in a calache. The calache is the vehicle in demand by the majority of tourists, and it is a common sight to see one standing in front of a church or monument while the photographer takes the picture of a couple that despite all efforts to look natural, are showing by unmistakable signs they're on their honeymoon. In our drive we visited the churches, saw the convents and monuments, telling of sacrifice and valor. We strolled into the fort on the citadel, where a cannon captured in the Battle of Bunker Hill is kept and shown as a prize. Perhaps the English think that victory too doubtful to keep the relic at home. They well might guard it carefully; it was all they

could ever show. We suggested to some whom we met here, that if they were in Charlestown on a 17th of June they would know what we think of that fight. Standing beside that old cannon we talked of Montgomery, the Boston Tea Party, and the men of '75. We felt justly proud of Montgomery and longed to see where he fell. We told one another the story of his march to Montreal, which he entered without opposition, and how afterwards he entered Quebec!

He passed the plains of Abraham, no one opposing him there. At the outskirts of the town he divided his forces, which he hoped would meet at the foot of Mountain Hill and join in a combined attack.

Upon Champlain street Montgomery came upon a fortified block house guarding the narrow pass. A murderous fire of grape and canister was poured upon the general and his followers. Montgomery and two of his aids, Majors Cheesman and McPherson, were killed, together with thirteen of their followers. At the place where this fight occurred we found on the side of the cliff a bronze tablet upon which was inscribed:

"Here stood
The Undaunted Fifty
Safeguarding
Canada
Defeating Montgomery
At the Pres. DeVille Barricade
On the last day of
1775
Guy Carleton
Commanding at
Quebec."

While high up on the cliff a plain black wooden sign with raised letters painted white, read:

“Montgomery
Fell

Dec. 31

1775.”

This sign appeared cheap, almost a travesty upon the memory of a brave man. Looking in our guide book* and reading: “This sign-board was put here many years ago by some generous-hearted Irish-Canadians residing in that part of the city who raised the money necessary by a subscription among themselves.” The sign-board shone brighter than gold when we read how it came to be there.

Home rule was the watchword of Montgomery. America for Americans—what he sought to obtain.

Back in the lower town we took a boat up the river to St. Romaldo to see the “new bridge.” This bridge when completed will be the largest cantilever bridge in the world. For more than fifty years this proposition has been agitated.

In 1852, at the request of the City Council, elaborate plans were made for the erection of a suspension bridge at this place. Adverse circumstances prevented the execution of these plans, but the political and commercial necessity of this connection has ever been allowed. When the Maritime Provinces came into the Canadian Confederation, in 1867, one of the conditions of this union was the building of railway connection between Halifax and Quebec.

This condition was not literally fulfilled, for although the Intercolonial Railway was built it came only to Levis upon the opposite shore to Quebec.

To complete this national system a company was formed in 1887 under the name of the Quebec Bridge Company, but little progress was made for years. In 1896 a vigorous press campaign led by a local Commercial Review, edited by

*Carrell's Guide to Quebec.

Mr. Ulric Barthe, a journalist of wide political experience revived the idea.

In 1897 the Bridge Company was reorganized, and through the selection of Hon. S. N. Parant as President, the success of the project was assured. Mr. Parant as Mayor of the City of Quebec and Premier of the Province, has gained a reputation of exceptional high degree, which by his business skill and administrative ability he continues to maintain. President Parant upon assuming the duties of his office, secured the assistance of Mr. Barthe as the secretary, and by the untiring efforts of these two men the help of the Dominion Government and of the Province and City of Quebec was secured.

In 1903 the Dominion Government under Sir Wilfred Laurier, ensured the construction of a new trans-continental railway, and considering the proposed bridge as a link in that huge enterprise, granted to the company a national guarantee of bonds to the amount of its estimates, viz: \$6,678,000.

The location selected for crossing the river is ideal for the purpose. Two rocky embankments of the same height face each other at this place, and narrows the river to one-fourth of its average width. These natural portals which nature has furnished are perfectly harmonious to the whole.

We found much to interest us in the progress already made, and we discussed the effect it would have upon the commerce of the States.

The late James T. Furber as General Manager of the Boston & Maine has stated as his opinion that the traffic between Boston and Quebec would be doubled when a bridge crossed the St. Lawrence at Quebec.

Since that time millions have been spent, and new capital is being invested in what but a few years ago was practically a country unknown.

The Quebec and Lake St. John Railway are extending

their lines and building branches to points where water power may be utilized for manufactories, all of which for at least several months of the year will use the bridge to find an ice free port for their products. Assuming traffic will take its natural course Boston should get a large share of this commerce.

This railroad also opens up forests of spruce, cypress and poplars, and such woods as are best fitted for pulp making, while the valleys are said to be as fertile as any of all Canada. When the bridge is completed, tourists and vacationists coming from New York and the South, will enter Quebec without change. It is hoped to make this possible in 1908, and Senator Choquette is advocating celebrating the event as well as the third centennial of the founding of the city by an international exposition at Quebec.

In the evening we went to the Island of Orleans. Here we watched the ships pass and enjoyed the cool breeze from the river. The roar of the water tumbling over the falls of Montmorency was distinctly audible, lending a charm to the scene. As the lights of Quebec and Levis shone dimly in the bright moonlight we listened to this story of Quebec and Montreal.

Jaques Cartier, a native of St. Malo, France, who for some years had been engaged in the cod fisheries of Newfoundland, fitted out an exploring expedition and came up the St. Lawrence to Quebec. Leaving his ships he went on to Hoclega, an Indian village, where he was kindly received.

He was conducted by his Indian hosts to the top of the mountain, and was so impressed by the magnificent view that he gave it the name of Mount Royal, and with a slight corruption this gives us the Montreal of to-day. Nearly a hundred years after this, or in 1611, Samuel De Champlin, a French naval officer who for some years had been engaged in trading expeditions along the gulf, came up the river and founded a settlement at Quebec. About thirty years after-

wards two gentlemen of France, a tax collector of Anjou, and a young priest named Jean Jacques Olier, planned and started with an expedition of some forty men and a few women to found a colony at Montreal.

The fur trade was developed gradually, and after about fifty years, Louis the Fourteenth commencing to show some interest in the colony, sent over soldiers, settlers, farming stock, and a number of young women as wives for the settlers. Inducements were given to discharged soldiers to settle in the new country. Land was given to officers of the regiments who became the seigneurs and subdivided the land, granted by the king, amongst their soldiers after reserving sufficient for themselves.

This subdivision was made in narrow strips extending some distance back. The plan had the purpose of concentrating the houses and created a line of sentinels ready to give the alarm when the hostile Indians approached. The Seigneur was expected to build a church, stores and a manor house, which all would seek for protection in times of danger. From this it is thought the spirit of hospitality proverbial in the French *habitant* of to-day, is inherited. If you ride up to one of these houses and ask for refreshments, the best the house affords is placed at your disposal, and no matter how poor the inhabitant may be it is absolutely impossible to leave pay for what you receive.

The early seigneurs unfortunately did not take kindly to the dull life of a town trader or an agriculturalist, but would depart for the woods and engage with the Indians in the fur trade, the excitement and adventure of which were more congenial. These men were among the pioneers that led to the discovery of the Ohio River and the Rocky Mountains; they explored the Mississippi and paved the way to the founding of Detroit, St. Louis and New Orleans.

The colonists looked to the king for support on every occasion. Corruption became rife amongst government of-

ficials. The worst of the crowd of scoundrels who were doing their best to ruin the colony, was a man named Bigot the Intendent, who was practically civil governor. Bigot and his subordinates were guilty of every kind of fraud and robbery. Amongst all the thieving, gambling and licentiousness prevailing at the time there were many noble women and men of high character who worked incessantly, though in vain, to avert what they felt would be the inevitable end. The hospital nuns, usually ladies of gentle birth and culture, gave their whole lives to the attention of the sick and wounded.

The emigrant ships from France would bring in infection of some sort, whilst incessant wars and quarrels turned in a supply who depended almost entirely upon the nuns' skill for relief. These good women oftentimes after unspeakable suffering gave up their lives to comfort the unfortunate.

The English had made two unsuccessful attempts against the colony, but in 1758 they came over more powerful than ever before. They landed here on the Island of Orleans from which they made some unsuccessful attacks upon the French. Later a detachment under General Wolf through strategy or treachery of a sentinel got within the lines of Montcalm, who was awaiting at Beauport, expecting an attack at that point, and it was only at daylight the next morning he became aware of the advantage his enemy gained over him during the night. He came into town and met Wolf upon the plains of Abraham, where each found their death in the cause for which they fought. This was the beginning of the end of the rule of France in Canada, and ever since, the rule of England has been supreme. When the New England colonies revolted against the British they found little sympathy upon this side of the line, and after the unsuccessful attempt of Montgomery and the fruitless siege of Quebec by his successor, General Arnold, the Americans withdrew from Quebec.

Before the Civil war in the States, many wealthy southern planters came to summer in Quebec, which had a tendency to establish a spirit of friendliness toward the people of that section and considerable sympathy was extended to them in their cause. This, together with England's unmistakeable attitude at this time caused a feeling of resentment in the States against the people upon this side of the line. This feeling many think was the cause of abrogating the trade treaty of 1854, which has always been conceded to be of great benefit to us all. While for a long time this action upon the part of the United States caused much hardship to Canada, it has ultimately proven a blessing by developing in the Canadians a spirit of self-reliance, and the building up of a trade with other than the United States.

If we would know what this trade really is, at Quebec is the best place to judge. This is the "Sentinel City" of Canada, the "Gate-Way" through which commerce must pass.

There are many other channels of communication, but through Quebec is the natural course.

Upon the attitude of Quebec the Dominion Government will stand or fall. This is no "snap-shot" opinion, but the bald assertion of one of Canada's ablest statesmen, and an influential member of the governmental party of to-day.

The leading issue under which this party went into power was the promise to secure freer trade with the United States.

The Boston Home Market Club would have us believe that owing to changed conditions this policy of the party has been changed. If this is the case can we not learn the fact for ourselves?

Knocking the ashes from our pipes we were soon on the deck of the steamer which was taking us back to Quebec. This was to be our last night in the city, for on the morrow our party must leave. We considered the advisability of one of us remaining, and the proposition was kindly receiv-

ed. This would be a delicate mission requiring the exercise of tact.

Whoever accepted this duty should agree that the main question now is, how far the Canadians themselves are willing to go toward negotiating a reciprocity treaty. They should be permitted to understand that the sentiment on the United States side of the line is, in some quarters, not any more favorable toward a reciprocity treaty than in Canada, and therefore "there are no ripe plums about ready to be shaken into anybody's apron." If our Canadian friends want to have closer trade relations with us, they must show a reasonable willingness to meet us half way.

In the *Quebec Telegraph* of July 11, the following notice appeared, and answered as a letter of introduction.

"Quebec's trade with the United States.

That and other subjects engaging the attention of Mr. Miles of the Brotherhood of Locomotive Engineers.

John E. Miles, chairman of the legislative board of the Massachusetts Brotherhood of Locomotive Engineers, is in town, a guest of the Clarendon hotel. He has recently returned from a meeting of the Brotherhood of Engineers held at Fraserville, and is now engaged in studying the reciprocal sentiment of the people of this province with regard to better trade relations between the two countries.

It may seem strange for a man holding the position that Mr. Miles does to be devoting his time to questions of political economy, but this is just what Mr. Miles is doing, and more than this, he is gathering data for a chapter in a book which he is compiling, and which will shortly make its appearance. The object of this book is to bring about a better feeling and understanding between the official, the employee and the public on railroads, and particularly between the Brotherhood which Mr. Miles represents and the other two important factors of peace and harmony.

Reciprocity with Canada is now becoming one of the leading legislative questions in the neighboring States of this and other provinces, but is being more debated upon in the State of Massachusetts than any other. This State's trade relations with the Maritime Provinces is very considerable and naturally, if Canada's trade policy between the neighboring Republic becomes more restricted, this State will in consequence be the greatest sufferer, and, as Mr. Miles says, "the workingman shares in the progress or decline of trade, in any country." This is why so many labor associations of the United States and Canada are taking up the vital questions of the day, studying them in the interest of the national welfare of their respective countries and indirectly for themselves.

Mr. Miles' position is certainly an important one and carries a very great influence over the Brotherhood which he is a member of.

In conversation with the writer he said:—

"We are free from all alliances and work for the general result as an organization of men having vital interests in the commercial prosperity of our country.

"We can see from the papers as well as on account of the general good times throughout Canada that there is less anxiety to secure friendlier commercial relations with the United States. Canada has surely done her part. She has come to us with the fairest of offers, which were not accepted, and returning home we believe she is justified in feeling any further overtures should come from us.

"We respect her highly for such a feeling, and it is no less than we should expect from a people of common origin as our own.

"Volumes have been written on reciprocity, tariff for revenue, and free trade. The ablest men of the country are divided upon the subjects, yet in the face of this knowledge we venture to print our views from the standpoint of

men who to attain their advancement must see their freight trains loaded and their passenger trains patronized. If a merchant or manufacturer feels he can make more money or increase his business if we establish a friendlier trade treaty with Canada, it will require no very deep student of political economy to know this cannot be done without making business for the transportation companies. A man who would not back this proposition as a good thing does not deserve a chance on a sure thing.

"The great mass of our people, we believe, are in favor of friendlier relations with Canada, and upon this ground we think President Roosevelt, already pledged to reciprocity, would be justified in inviting Canada to consider with us the proposition of establishing friendlier trade relations."

In the month spent in Quebec I met writers, railroad officials and merchants, as well as prominent influential citizens, and formed many social acquaintances.

Upon July 26 I solicited an interview with Senator Choquette, asking his permission to publish his views as to the attitude of the Canadian Government in reference to reciprocity with the United States. The interview was courteously granted, and the Hon. Senator most freely expressed his ideas. What a serious matter to quote, unless such an acknowledged authority is quoted correctly, and I hesitated about writing his words. Senator Choquette replied, "Call this afternoon at two, I will send for the editor of my paper, and we will go over this matter together and have him publish my views." The influence which this member of Parliament carries to support these ideas is told by the *Quebec Telegraph* of July 26.

"Senator Choquette has evidently made for himself a warm spot in the hearts of his own countrymen. And he is there to stay. What other reason is there to account for the abuse and calumny continually heaped upon him in a

section of the Ontario press? From day to day its misguided and unthinking readers are filled with fear and dismay. Whenever the Honorable Senator rises to speak, they shiver and shake, expecting every moment to see him wave the banner of revolt. And their unfounded fears are constantly fed by ultra timid reporters, who to suit their readers' tastes and serve the passing purpose of the hour, change and garble his words into an unrecognizable mass of distortions."

At the meeting, with his editor, Senator Choquette expressed these sentiments, as indicating Canada's position to-day:

"Our American neighbors are beginning to find out that others can play the same game as themselves. Accustomed as they have been to imposing their prohibitive duties on the products of other countries, they have awakened with some surprise to the fact that the tables are being turned upon themselves, that they can no longer close their own markets without meeting retaliation, and that the adoption to any extent by other nations, of their selfish policy of exclusion contributed a serious menace to their commercial future. Hence the demand that is arising among them for a relaxation of that policy, and for the holding of a convention at Chicago next month to consider the necessity of replacing it by a policy of more liberal exchange, by the establishment of better reciprocal trade arrangement with the outside world. But in all the agitation on the subject one thing is noticeable above all—that the American mind is haunted by the idea that the advantages must be all on their side, and that they should get something substantial for little or nothing in return. They constantly talk of the great advantages to them from trifling concessions on their part. Instead of trying to convince us that reciprocity would be profitable to us, they tell us that it is necessary to them, and in their selfishness they regard this as a conclu-

sive argument. As far as Canada is concerned they can summarily dismiss the hope of ever getting our consent to any jug handled bargain. The day for that has passed forever. They forget that the Canada of today is not the Canada of fifty years ago, that in the interval it has become emancipated,—that it is no longer dependent upon the American market, and that it cannot be forced into annexation or any other course. This does not mean to say that we are opposed to a proper reciprocity treaty with our neighbors. On the contrary, we believe that a fair commercial arrangement of the kind would be beneficial to us, for, after all, the United States is our natural market. But, while we ardently desire such an arrangement, and the Liberal Government at Ottawa is willing to do anything possible in reason to cultivate the best relations and to promote the greatest trade between the two countries, we are neither going to beg for it, nor need our American friends ever expect to negotiate with us successfully on the principle of great advantages to them, and slight concessions to us. The advantages must be the same on both sides. Consequently the concessions must be equal or we will not do business. If our American neighbors want to know exactly how far we are prepared to go in our dealings with them, we may state briefly that we will not go as far as annexation, nor one step further than our interests dictate. It is nothing to us that free trade or reciprocity is now deemed necessary to the United States to all or to some. They have not treated us so well in the past as to inspire us with sympathy for their actual necessities. If they are prepared to offer us a proper *quid pro quo* we will be prepared to treat, but until they are ready to do this, all their labor will be in vain.

This is the Canadian policy, and let there be no mistake about it."

This statement clearly, concisely and accurately presents the sentiment of the Canadian people as I found it to be.

Just a word upon the question of transportation interests. It is very evident that the more direct outlet for the wheat fields of Manitoba is across American territory. In 1874 Canada officially recognized the American seaboard as supplying the natural ports for handling of her commerce, and proposed the construction of a canal from the St. Lawrence to Lake Champlain.

The treaty embodying this proposition was rejected by the United States Senate. Later the Canadian Pacific desired an independent line into Boston, but was prevented from securing it. Today she runs from ocean to ocean, and has independent steamship lines across both the Atlantic and the Pacific. The government has commenced the construction of another trans-continental line of railroad. The estimated cost for building this line is approximately \$200,000,000.

How would friendlier trade with the United States affect the railroads of Canada?

The Hon. S. N. Parant upon the eve of his departure to assume the duties of Chairman of the Grand Trunk Pacific Railway Commission wrote:

Quebec, August 7th, 1905.

Mr. J. E. Miles,

Legislative Agent,

Brotherhood of Locomotive Engineers.

DEAR SIR.—Your letter with enclosure received, and will say I believe any effort aimed to bring into closer relations the interests of capital and labor should be encouraged, and especially so when these interests are bound up in our transportation companies. I believe whatever difference of opinion may exist as to the value of closer trade relations between United States and Canada, there can be no question of its advantages to all persons interested in matter of transportation.

S. N. PARANT.
Mayor of Quebec.

President Mellen of the New York, New Haven and Hartford has been quoted as saying that reciprocity with Canada is the only salvation for the railroads of New England.

No one can help observing what a great benefit it would be to the Boston & Maine, and it was rumored around Quebec that if the business would warrant, the New York Central would build in from Rutland.

Reciprocity with Canada is an issue that should receive the hearty support of American workingmen who, taking advantage of the opportunities afforded them in the shorter workday, are studying more closely and thinking more deeply of matters pertaining to Political Economy. They have long since exploded the theory that it is the high protective tariff that insures their wages.

The most prominent labor leaders of Massachusetts, men who are recognized factors in international labor conventions, are earnest advocates of continental free trade, and as these principles are gradually absorbed by the people the politicians will be forced to recognize the power in the hands of the workers and accede to their just demands. The beneficent influence of labor organizations in the work of Americanizing the various nationalities coming to our shores has been acknowledged by the highest authorities, and it is hard to conceive what can prevent the members of our international trade unions from gradually coming closer together and eventually taking up for discussion such great international political questions as trade and immigration. If some international agreement could be formed whereby the undesirable element from abroad could be prevented from entering either country, there is absolutely no more reason for maintaining immigration bureaus between the United States and Canada than there is necessity at the present time for establishing similar offices upon the borders of the various States of the Union or

Provinces of the Dominion, and inasmuch as nearly every Canadian home has some friend or loved one in the States, the retention of the existing laws borders upon the unchristianlike policy of dividing a house against itself.

It is doubtful if due consideration has been paid to the moral principle involved in establishing and maintaining satisfactory trade arrangements between Canada and the United States. As Canadian resources and commerce developed she gradually assumed a spirit of independence, the natural outgrowth of her self reliance. The outward sign of this spirit is manifest within the Canadian fortifications where the English soldiers have been relieved by the native troops.

Quite all that has been written with reference to Canada can with equal force be said of Newfoundland. Ours are the natural markets in which Newfoundland would purchase her supplies were she afforded an opportunity to develop her natural resources.

For centuries the one, and practically the only established industry of Newfoundland has been her fisheries, and upon these her people depend for support.

Since the discovery of the great value of the fishing rights along the shores of Newfoundland, a menace to international peace has existed, and is as far remote from satisfactory settlement to-day as ever. To the Newfoundland fisheries has been accredited the concrete principle involved in the revolution that culminated in the independence of the American colonies.

Under existing conditions the indiscretion of a governmental official, or the zeal of an American captain, may bring about complications with the English government.

Upon the refusal of the Senate to accept the "Hay-Bond treaty" Newfoundland adopted what must eventually prove to be a suicidal policy of retaliation, viz., refusing to allow American fishing vessels the privilege of taking Newfound-

land crews or securing bait, and upon our side the masses of our people are as a consequence paying higher prices for these food supplies. Why should a powerful, rich and prosperous nation like the United States of America hesitate to give to these few people of Newfoundland an opportunity to help themselves to a higher plane of living? Here to the people of this little island we could well afford, with no ulterior purpose of future gain, by extending the hand of good fellowship, exemplify the true meaning of the words "Our Father."

It seems to me our theologians might here find a fruitful field to apply the doctrine of Christ, if the generally accepted theory of the universal brotherhood of man counts for other than mere words.

CHAPTER IV.

THE COMFORT OF THE PUBLIC.

For a number of years prominent public-spirited citizens of Boston and vicinity have been working for a means by which it will be possible to prevent, or at least abate the nuisance of the emission of black smoke from chimneys and smoke stacks.

From an economical standpoint the railroad officials should co-operate with any practical scheme by which this purpose may be accomplished.

Knowing, to a great extent, the emission of black smoke is unnecessary, and that at all times when the engine is not working steam, it can be avoided, there appeared to be an opportunity to enlist the power of public opinion in our behalf, by demonstrating that we are considerate of the *comforts* of the public in all matters affecting the same.

In an interview with the manager of the Boston Terminal Company the information was volunteered that it costs this company \$10,000 a year to remove from its trainshed the effects of black smoke. Surely any action upon the part of the employees tending to save this large expense might well be appreciated by the Boston Terminal Company, and the added comfort obtained by the abatement of this nuisance should warrant the gratitude of patrons of the same.

This thought shaped the following resolve, addressed to all concerned:

"On account of the manner by which the fires of many of the engines are treated within the train shed and yard of the Boston Terminal Company, great volumes of smoke are emitted. Many times by obscuring the view of signals

made to abate, as far as is possible, this nuisance, and per-
this is an element of danger or cause of delay to trains.

Furthermore, much annoyance is experienced by the passengers as well as considerable expense to the Boston Terminal Company. Inasmuch as all engineers know that to a great extent this nuisance is an unnecessary one;

Therefore, be it resolved that an individual effort be made to avert, as far as possible, this nuisance, and permission be requested to file copies of the above resolution upon the motive power bulletin boards of our railroads."

To encourage a sentiment favorable to this proposition, the following paper was printed and circulated, submitted for the purpose of encouragement of greater interest in the matter of combustion of coal in locomotives:

"When coal is burned in the locomotive furnace, it requires that the air shall be admitted in a peculiar manner to perfect combustion. As soon as fresh coal is thrown upon the fire, a gas is set free, which, when mixed with air, burns with a clear, bright flame of great heating power. It is of importance that the gas shall have at once its due supply of air at the spot where it is generated, or else the draft will draw it through the tubes and the heating power will be lost. The air for coal consuming locomotives is admitted in two ways—partly through the grate and partly through special contrivances, but the exact quantity of air depends upon the kind of coal used. An insufficient quantity of air is exhibited by dense black smoke issuing from the stack; with just enough or too much air, no smoke will come out, so great care must be used to arrest and utilize these liberated gases stored in the coal, or so many heat units escape. This is especially noticeable in cases where fresh fuel has been applied to the fire just before the engine has been "shut off." Owing to the force draft caused by the exhaust, sufficient air is drawn into the fire box on top of the fire to properly consume the gases, but when

this draft is lost by the stopping of the exhaust, its place should be taken by the use of the blower and opening of the fire-box door. This will not only be a saving of heat, but also by consuming the gases otherwise escaping in the form of black smoke, the skill of the fireman will be greatly appreciated by the patrons of the railroads, especially at seasons when it is customary to travel with the car windows open.

In many of the larger cities, laws have been enacted against making smoke, and in some places bituminous coal is not allowed to be used. Engines leaving the yard of the Grand Central Terminal in New York city, have fires made up of coke, and a limited supply of this is placed upon each tender for use within the city limits. If we apply our theory of combustion, is it not quite possible to acquire the desired result and save this added labor? In case fire must be "barred up," if dampers are for the time being closed and the blower opened sufficiently to draw the desired quantity of air upon the top of the fire, all gases will be consumed and no smoke will be emitted.

The practice of heavy firing as the engine is backing a train into the terminal, and then closing the door, is resorted to by only a minority, which proves to even the few who require an object lesson, that it is by no means a necessity.

Another evil practice indulged in by a few, is the habit of firing just before the engine is "shut off," or as soon as started, and by spreading three or more shovelfuls of coal upon the fire before closing the door. This practice causes not only a serious loss of fuel, but also has a tendency to close up the flues, thereby causing the loss of just that amount of heating surface.

Much depends upon the proper preparation of the coal, which should always be dampened to obtain the water necessary for generating the required gases.

Due regard for the care of the eyes should insure the practice of firing with dampened coal, if for no more important reason.

Don't say that the evil practices are necessary upon *your* train to get steam, for perhaps the fellow who goes out upon your engine tomorrow by trying to do what is right, proves you are simply less skilful or less interested."

It is regrettable to have to admit that our purpose was defeated through the combined influence of the two extreme factions of our organization. The one argued the cause of complaint was solely due to the cheap grade of coal we are compelled to burn, or the mechanical defects in our motive power; these men refused to lend their aid to improve the existing conditions.

The other extreme, composed of those who are many times actuated by petty jealousy, owing to their failure to fill the role of the sole luminaries, argued "it would be interfering with the work of our officials to assume upon such matters the initiative." These fellows are the so-called "conservative element," whose monkey and parrot talk is nauseating in the extreme. When analyzed they are found to be simply so many administration men, fellows susceptible to the influence of an informal greeting from some high official, and are so bound up in their own conceit as to really feel they are an important factor in directing the policy of the road. They occasionally receive petty favors, and many believe they belong to that class, who, in the legislature are spoken of as upon the "gravel train."

The officials were appealed to for their endorsement, but while forced to admit that the paper contained facts that should be in the possession of all the persons interested, they refused to encourage the action by an endorsement, for the reason that it did not emanate from their office.

Later, without any assistance from them, we had the satisfaction of seeing the resolve inscribed upon the records of our meetings; but this was only desired as a means to acquire an end.

The nuisance of black smoke from locomotives is unquestionably one that may be abated to a highly appreciable degree. The strongest argument used against doing so is the belief by the majority of the men that "the officials don't care whether we take an interest or not." We are forced to admit there is good ground for this opinion.

By way of example a case may be cited of an engineer running an engine that was leaking so badly that he found it a difficult matter to get his train over the road. Day after day he reported the defect and no notice was taken of his report. The conditions grew worse, and going to the official responsible, he explained the fact that owing to the condition of his boiler he was using twice the necessary amount of fuel, and as it appeared to him, if the cost of coal was any object, the sooner that repairs were made the better. He received the answer in an aggravating drawl, intended to be sarcastic, "The coal don't cost you or me anything." Can any man doubt the effect of such a reply as that, given to an employee interested in the good of the service?

While during the previous years of agitation against the smoke nuisance, little difficulty was experienced in inducing the petitioners to except locomotives from the provisions of the proposed legislation, this year indignation meetings were held and many thousands of dollars were subscribed by persons whose chief cause of complaint came from the locomotives. Their Representatives and Senators were requested to work for the enactment of a law intended to afford them relief.

Appreciating the hardship the enactment of such a hard and fast law might prove to be to men of our calling, we

asked the petitioners to except us from the provisions of the bill, and pledged the assistance of our organization to bring about in a peaceful and friendly manner the result aimed at by the proposed law.

We further suggested that the Board of Railroad Commissioners had sufficient influence and power to induce the railroads to do all that is possible to be done toward the abatement of smoke.

The counsel for the petitioners, with whom we discussed these matters, inquired what steps, if any, could be taken, assuming the Commissioners refused to comply?

A precedent has already been established whereby the influence of the Governor could be brought to bear. From time to time copies of the railroad and railway laws are printed by the Railroad Commissioners. Wishing to obtain copies of this work we called at the office of the Railroad Commission, but received the information that these books were not for general distribution, and the only way by which we could obtain copies of these books would be through an act of the Legislature.

We appealed from this ruling, and presenting our case to the Governor, we received the following letter, which disposed of this matter and, we believe, established a precedent:

Executive Chamber, State House, Boston

February 17, 1905.

DEAR MR. MILES:

Conforming to our conversation of this date, would say that if you will take this letter to the Railroad Commissioners, they will accept it as authority for the delivery to you of such copies of the Railroad Laws as they can conveniently spare.

Yours truly,

W. L. DOUGLAS.

MR. JOHN E. MILES,
Plymouth, Mass.

It is for a fact quite an innovation to find railroad employees going to the public to offer assistance in correcting evils the railroad officials should be the first to notice.

From among the petitioners for the bill on abatement of smoke we selected Arthur L. Spring, counsel for the city of Boston, Louis D. Brandeis, counsel for the Public Franchise League—Vice President representing the public in the New England Civic Federation, and Prof. Sedgwick, of the Massachusetts Institute of Technology, an accepted authority upon matters pertaining to combustion.

We promised these gentlemen, provided they except us from the provisions of the proposed legislation, to do what we could toward abating the nuisance of which they complained. We have little reason to believe our active interest was necessary to exempt locomotives, and as a matter of fact we desired to gain their good will and help the petitioners in securing the relief they sought. During the debates upon the bill much credit was bestowed upon one of the railroads for adopting a smokeless fuel in the shape of coke.

The fumes from these coke burning engines are injurious to the health of the men employed upon them, and we believe the policy of using this fuel to be an unnecessary one. Protests were made to the railroad officials, but no satisfaction could be obtained from them. They had grown weary from complaints coming to them from patrons and abutters along their line, and while forced to admit that the fumes coming from burning coke were unpleasant and in some instances unhealthy, of the two evils they chose what to them was the lesser and would continue the use of coke. But these gentlemen should ever remember, as Theodore Roosevelt has said, that "Capital is not absolute; and it is idle to compare the position of the capitalists nowadays with his position, when his workmen were slaves and the law-makers were his creations." We believe there are

plenty of good laws in the state of Massachusetts to protect the interests of all classes, if the proper method of procedure is executed. A petition was drawn up by the representatives of the employees, who were suffering from the effects of the poisonous gases coming from the burning coke, and presented to the State Board of Health, requesting an investigation and asking that the necessary action be taken to bring relief. This petition was presented upon the supposition, based upon information received from their secretary, that the Board of Health is vested with authority to prevent the use of coke, so highly impregnated with sulphur as to jeopardize the health of men employed upon these locomotives.

Every possible assistance was volunteered to facilitate the work of investigation proposed by the Board.

After an aggravating wait of more than six months, information was received that the contention of the engineers as set forth in their petition had been verified by experiments conducted by agents of the Board, but no information was forthcoming as to what these authorities proposed to do under the premises. It is difficult to understand what edifying qualities the State Board of Health expected to present in such an answer to our petition. That a definite conclusion might be arrived at, the matter was brought to the attention of the Governor, and from His Excellency the information was received that under existing laws the Board of Health is absolutely powerless to prevent the use of coke for fuel. The State Board of Health through their secretary not only gave assurances of their ability to correct the evil complained of, but specifically stated they would use their power and relieve the situation.

Surely the Board of Health must have a peculiar opinion of the intelligence of the locomotive engineers if they think this body of men, many of whom have been incapacitated

from work on account of the effect of sulphur gas, waited for six months for chemists and analysts of the State Board of Health to tell them that these gases were a menace to health.

While it may be true that this Board is not vested with autocratic powers to dictate what the railroads must do, no reasonable man would question the propriety of the Board of Health making a recommendation to the railroads, and we firmly believe that such an action is all that would be necessary to obtain the result the engineers desire.

Inasmuch as the representative of the Health Commission reported he experienced a feeling of drowsiness and irritation of the throat and eyes from riding upon coke-burning engines, while none of these symptoms were noticeable upon coal-burning engines, it is a reasonable deduction to say the coke engines add some degree of danger to the safety of the traveling public. It is barely possible the Railroad Commissioners, whose every wish the counsel of our railroads claim to obey, might be induced to take some action.

The Court of Equity, whose power of granting injunction is known to every trade unionist, might be one other resort. In our simplicity we imagine that the guarantees of our great constitution could be applied to the protection of health and the safe-guarding of life, whereas we are informed such powers are to be used only by the corporations to subjugate their employees, and apparently it was presumption on our part to think such powers could be used in defense of our rights and the safety of the public.

There is yet another appeal, and that is to the high court of public opinion. As evidence to show the locomotive engineers have just cause for complaint, the following extract, from report of Representative of the State Board of Health, is submitted for consideration:

"Five trips of one hour each were made on coke-burning engines, and an equal number of the same duration were made on coal-burning engines. On each run made, the amount of sulphur acid in the air of the cab was carefully determined. The average amount of this gas in the air of the cab of the coke-burning engines, was 0.41 parts in 10,000; the average amount in the air of the cabs of the coal-burning engines was 0.08 parts in 10,000.

"It will appear that those who operate with coke are subjected to about five times as much of these acid fumes as those who run on coal engines. There can be no doubt that such an amount of sulphur dioxide as 0.41 in 10,000 of air is incompatible with comfort, if not actually deleterious to health. The person who made the determinations reported that after each run on the coke-engines he suffered from smarting of the eyes, head-ache and disturbance of the stomach; whereas, after the runs on the engines on which coal was used he experienced no sensation of discomfort whatever."

CHAPTER V.

TRYING TO OBTAIN A PROPRIETARY INTEREST IN THE COMPANIES BY WHICH WE ARE EMPLOYED.

What will prove a remedy for the existing evil? This surely is a problem worthy of the attention of any student of sociology. Whatever difference of opinion is held as to the cause, all must agree to the fact of the existence of this deplorable state of affairs; yet the man who contents himself with simply condemning conditions as existing without offering a remedy must be classed as bordering close upon the verge of pessimism. Therefore, not to be judged as in this class, I will suggest either of two things as a remedy and the combination of both as a cure. They are a proprietary interest in the corporation upon the part of the employees, and strict governmental supervision of the railroads.

To encourage closer relations between officials and employees and to create a spirit of united interest, many corporations subscribe large sums of money. This is done in some places by providing reading rooms, with baths and dormitories. Upon some railroads the giving of premiums for the more economical use of supplies has been tried; this latter course has proved unsatisfactory as savoring to create a policy of playing for an individual record at the expense of team work. But if by their united effort the employees demonstrate that they have succeeded in increasing the net profits, why not give them a share in the benefits derived from the same?

This would have a tendency to encourage the best of service from the individual and also warrant him in bringing to account the shiftless and indifferent. From an

ethical point of view it may be said that if employees will do these things for a reward, they are under moral obligation to do the same thing in consideration of the wages they receive. The great trouble with this reasoning is, that the employees look about them and see so many others who are doing their work in a far less efficient manner. They feel that this less efficient service is as much as is desired or expected, and the result is easily imagined. But the reasoning may be followed; every man is the keeper of his own conscience, and it is for him to say whether or not his duty is fulfilled. No man can justly aspire to happiness who cannot feel consciousness of duty well performed.

This is a good technical argument, but under existing conditions upon our railroads it is illogical. The adage, "like captain, like crew," applies to every department of the railroad. To secure the highest standard the engineers must show by object lessons and example that interested work is to be expected upon the part of the firemen, and this rule holds good from the humblest employee to the highest official.

Believing the adoption of some such a principle as the following would tend to increase an interest in our profession and have an influence in the settlement of disputes, this paper was presented for consideration:

Plymouth, Mass., Nov. 27th, 1903.

To Commission on Relation Between Employer and Employee:

Gentlemen:—The following is respectfully submitted for your consideration as a remedy to prevent strikes, which with the assistance of your influence, it is believed we can attain, not only for the mutual benefit of our employers and ourselves, but also for the benefit of the general public, inasmuch as we will be in a position to furnish for them greater comfort and safety through the medium of better men.

We desire to assume, which I think we may fairly, that the engineers of each of the railroad systems of Massachusetts, are equally efficient and interested. We will also allow what we believe to be the case, that there is a mutual good feeling existing between the general officers of these systems and their engineers. It has frequently been said, that while labor organizations and their aims are worthy, the grievous error is frequently made of selecting incompetent men as their representatives. Conceding this fact, we desire to state another truism, which is, that while the general officers of the railroads are all right, they err more frequently than their employees in the selection of their representatives, that is, the selection of the men who hold subordinate offices. Many of these officials by an unjust criticism of a trivial affair, or by a sarcastic answer to a well-intentioned suggestion for the good of the service, have a faculty of developing a spirit of antipathy toward the company.

In the Acts and Resolves of Massachusetts, 1903, Chap. 320, is found: An Act relative to public service corporations and their employees. No legislation of recent years has met with such general approval from all classes of railroad men. No fair man can find a just cause for its repeal. Certainly the men, who must later be responsible for the conduct of persons entering their service, might reasonably be expected to be better judges of their qualifications for the service, than men holding positions of more or less influence in other places.

It often happens, that persons obtaining positions by influence outside of railroad men, frequently feel the importance of this influence, and later, by associating themselves with others of their kind, place themselves beyond the bounds of either discipline or advice. These conditions have become an actual hardship upon engineers whose actions are judged by the public, and many of whose failures

can be traced to lack of sufficient authority over the men for whose conduct they are held responsible.

Again, persons who have been appointed to positions as firemen, by the rule of seniority, will later be promoted to act as engineers. It has aptly been said that "the boy is father to the man." No man can justly reason, that a person who has held the position of fireman for five or six years, performing his duties only in a forced, disinterested way, goes home tonight a careless, shiftless, selfish fireman, if promoted, will come back tomorrow an exemplary engineer. These are certainly not the kind of men that have directed the policy of the Brotherhood of Locomotive Engineers, and made our organization what it is today. Nevertheless, for the purpose of elevating the standing of these men in society, many are frequently accepted to be members of our Order. Is it not an injustice to an organization, one of the principal aims of which is to encourage an interest in the chosen profession of its members? Is this not a pernicious habit, that allows the selection of such persons as firemen in the first place? Are these the kind of men into whose hands you care to place the lives and safety of your loved ones?

A person desiring to secure the license of a first-class marine engineer, is expected to furnish to the United States inspector, the recommendation of not only the engineer of the boat upon which he is employed, but also the recommendation of another licensed engineer. This rule should have the effect of securing men of character, as well as ability to fill these positions. Why should not as much care be taken in the case of the man of whom it is intended to make a locomotive engineer? The United States inspector of marine boilers confines to a class of men whose abilities and judgment have already been tested to his satisfaction, the privilege of recommending other men they believe to possess the necessary qualifications to enter their

class. What error could the railroads make in adopting the custom of insisting that an applicant for a position of fireman, shall secure the recommendation of three (3) engineers of at least one year's experience as such? Should this applicant, having been employed upon trial prove his unworthiness for the position, the engineers recommending him could be called upon to correct his habits or withdraw their responsibility for the man. On the other hand, should this fireman feel that he was not treated with due consideration and respect, he could appeal to the engineers who had in the first place indorsed him and unquestionably receive their assistance and support. We believe many benefits would accrue to the railroads from such a course as this, and amongst these we will allude to the following, as it is upon this our proposition is based.

It is here we come to your Commission, and while admitting it is not strictly the purpose for which your honorable body was appointed, still, we believe it is by inference within the scope of the powers of the same; for we believe it can be considered logically as a step in the direction of *avoiding strikes*.

We respectfully ask your Commission to draw up a contract binding the railroad; provided, we do what we say by united interest we believe can be done, namely, to save by care and intelligent work, 25 per cent. of the cost of fuel.

For example, we will allow that a certain railroad pays for coal \$3,200,000 per year. Of this amount, owing to unskillful firing, thoughtlessness and lack of interest, one shovelful of coal in four, viz: 25 per cent., or over \$800,000, is worse than wasted. Exceptions may be taken to this estimate of waste as being a bald assertion. I may be challenged to show upon some trains by some men where 5 per cent. can be saved, and I will admit I would fail; but I will take this man upon another train where the fire-

man burns, or rather shovels, *dry coal*, throwing three or four shovelfuls of coal before closing his door, and prove to him that upon this train over 50 *per cent.* of coal is wasted.

Not only that, but by allowing his fire-box door to remain closed as the engine drifts into the station, on account of escaping smoke, great discomfort is experienced, by not only the traveling public, but also by residents living adjacent to the tracks and friends who may have occasion to come to the station to meet passengers upon incoming trains. This nuisance can be abated by opening the fire-box door and using the "blower" to draw over the top of the fire the oxygen of the air, to mingle with the gases stored in the coal and utilize the same. When this is properly done, no smoke will escape.

Every intelligent engineer knows that every puff of black smoke that leaves the stack of a locomotive is just that amount of gases lost that should have been used for producing heat. Experiments are constantly being made and new inventions tried to find a mechanical device that will perform the function of burning the smoke. Owing to the fact that railroad companies are ever using different grades of coal, and some grades of coal require more air to consume their gases, it is a question if any fixed mechanical device can ever be found to do this work.

The railroads, in the persons of the engineers and firemen, already have upon their engines practical smoke consumers, and by the exercise of intelligent foresight, can not only entirely prevent the escape of black smoke, even when the engine is not using steam, but to a large degree when she is working. Admitting the fact that at times low grades of coal are used; as well also, that at times the locomotive is forced almost beyond her capacity, more or less smoke is necessary; but by the fireman familiarizing himself with the conditions adjacent to his tracks, noting

the side the smoke is blown, he can in many cases so regulate his firing as to remove all causes for complaint from people living near railroad tracks. Self-interest should prompt us to do this, as we all enjoy the run through places where care is taken in the appearance of residences. The valuation of this property would be enhanced; in fact, the benefit would be far-reaching.

The question may be here logically advanced, if these matters are facts, why the railroads do not take steps to prevent these abuses, and I will say they have for years tried and continue to try, but in nearly all cases meet with signal failure. Efforts have been made by individuals, but it requires almost a degree of aggressiveness to continue these efforts.

As an encouragement to the men to repair past errors of management in employing disinterested men, we ask that the railroad companies set aside as a trust fund one thousand shares of their treasury stock, which will be $12\frac{1}{2}$ per cent. of what has been saved in the fuel account in one year, estimating stock upon par value of the same.

The dividends accruing upon above stock shall be paid to the treasury of the company which, under the Act passed by the General Assembly of the State of Rhode Island on the 9th day of February, 1900, has been incorporated as the "Conductors' and Engineers' International Investment Co., for the purpose of encouraging and developing among its members provident habits of saving." Under the by-laws of this company, not less than 75 per cent. of its stockholders must be engineers or conductors, thereby insuring the control of the company always in the hands of these men.

Besides the dividends, this company shall have all the rights of actual ownership in above stock, other than it shall not be transferable, and upon the event of the surrender or loss of the charter of the company holding this

stock, it shall revert back to its original owners. The contract will allow us one year to demonstrate our ability to make this saving and for the railroads to judge as to whether we accomplish the result. Should we fail to agree upon this result, the contract shall require the Railroad Commissioners of Massachusetts to decide the question. The Railroad Commissioners will be expected to require their inspectors to familiarize themselves with existing conditions upon the engines of the railroads to be in position to pass upon possible improvement. This, to us, appears to be the only practical way to decide the question, as figures cannot be relied upon. For example, in case we win; upon the books of the company it will show an increase of operating expenses of \$8,000 a year, in reality it will mean a saving of \$792,000. In other words, the company gets 99 per cent., we receive 1 per cent. If at any time, in the opinion of the railroad, the conditions revert back to what they were prior to the agreement, upon the decision of the Railroad Commissioners to that effect, the stock shall be surrendered. Should, in your judgment, there be any chance for any man or body of men to receive any benefit other than appears to be the purpose of the foregoing agreement, you are respectfully requested to provide against the same.

To make this a success, we must have the influence and co-operation of the Division Superintendent and Master Mechanic, to the extent of *naming the men who refuse to assist us.*

The purpose of this proposition is to encourage the men, by prudence and thrift, to obtain an interest in the company, that later, by good judgment and further investment they may have a voice in the actual management of the same.

Respectfully submitted,

J. E. MILES.

Few if any of the employees of the railroads have any vested interests in the corporations by which they are employed. Changes in the management many times bring changes all along the line creating a condition of uncertainty similiar to what may be found in politics as applied to popular government. It was to meet and overcome these conditions that inspired the incorporation of the Conductors' and Engineers' Investment Company of Rhode Island, incorporated under the laws of that State. The men who have so successfully organized this company are all active railroad men and have demonstrated by the results of their labors that as yet there is no corner in brains.

The men who direct the affairs of the Conductors' and Engineers' Investment Company are men of good character, their business methods sound and of a nature to elevate the standing of railroad men in public esteem.

Their purpose is to more closely unite the relationship of conductors and engineers, and I believe we should all be identified with and do all we can to assist in the success of this most laudable purpose. It was upon this principle I submitted the paper to the gentlemen to whom it was addressed, hoping to be able to increase the treasury of the company, reduce the expenses of the railroad and improve the service upon the same.

It was the desire to have the offer presented to the railroad directors; it is printed here for the information of all concerned. It is to be regretted the experiment cannot be tried. Should a general interest be taken to the extent that we save the 25 per cent., and the corporation is required to pay the bounty, they would then receive a hundred for one and an improved service. Assuming only a few men should interest themselves, the railroad would gain just that much, as it is expressly stated that unless we hit the bulls eye the bell won't ring. Upon the other hand, every man that takes an interest in his work makes it just that much pleas-

anter for his fellow employees. Under existing conditions the fellow who tries to do right not only has his own part to do, but is obliged to carry an added burden on account of the indifference of the other fellow. Could the expense saving contract be made, any stockholder of the Conductors' and Engineers' Investment Company would be justified in bringing pressure to bear upon the indifferent employee to get him into line, because of the fact that by his indifference he may prevent his more worthy associates from receiving their just reward.

As matters rest to-day he could say with the authority already quoted "the coal don't cost you or me anything."

CHAPTER VI.

THE LOCOMOTIVE ENGINEER AT WORK—HIS CRIMINAL LIABILITY IN CASE OF ACCIDENT.

Conceding the fact that the public as a rule are generous in bestowing credit to those who follow the calling of locomotive engineers, it is a question even then if his cares and responsibilities are fully appreciated.

The locomotive engineer, by force of public sentiment, is expected to be a man of character and good judgment, as well as of mechanical ability, to perform the duties required. Inasmuch as presence of mind and complete self-control, under the most trying circumstances, are essential qualities, his is a profession that can only be acquired in the school of experience, assisted by a study of mechanical engineering. While on duty he must maintain a close supervision of the smallest detail of his work, and is ever required to keep the closest lookout ahead and control the speed of his engine. In the marine transportation we have the fireman attending strictly to the duty of making steam, the water tender to feed the boiler, and then comes the oiler to watch and lubricate the machinery. We have the lookout with no duty other than to see the track is clear, while in the pilot house are at least two men to control the movements of the ship.

The locomotive engineer does all these things except fire the engine, and he supervises that. They are but a small part of the tax upon his faculties. He must keep a strict watch upon his time to see he does not exceed his schedule, or in case of failure to make the same; be prepared to give an accurate account of the cause for the failure. He must keep ever in mind the frequent bulletin

notices issued, and have an intimate and ever ready knowledge of all rules and regulations affecting the operation of the railroad.

Take a trip such as hundreds of engineers run daily, and learn the conditions under which this work is done.

Let us assume, that at the last moment, as is often the case, it is found to be inexpedient to send out the regular engine assigned to the train, and orders are given to take another engine, which will be one from the pool list. The personal effects of the engineer and fireman are hastily bundled together and carried to the engine assigned. Here, instead of the orderly arrangement of affairs as upon their regular engine, they find coal scattered about the footboard, while dirt, dust and grease are everywhere about the cab. Valves are leaking hissing steam for want of packing, while water is dripping from gauge cocks that cannot be closed. While the fireman is after supplies, the engineer congratulating himself upon finding even a broken handled monkey wrench amongst the motley assortment of old junk in the tool box, commences to fill the cups, and he grows serious as he inspects the engine he must take out. With many misgivings he looks at the driving boxes filled with coal and the rod brasses badly worn. The fireman returning, brings a letter from the office asking for more definite explanation in reference to a delay of some days previous. It may be a request for an accident report on account of some passenger who closed the car door upon his thumb; this may be the first information the engineer has received of the fact, yet the letter contains a request for an explanation, why an accident report was not filed within specified time, as called for by the rules. The letter may be a request for the engineer to report at the office of the Superintendent the following day. Whatever it may contain there are troubles enough without it. Before he has had time to prepare matters for the trip and oil his engine, he

is informed it is his turn for the table and that he is holding other engines back. He is obliged to complete his preparations in the yard, trying to finish his oiling, all the time watching for signals to move. The sand pipes are plugged and after backing his train into the station, while he is trying to get the sand through the pipes, the conductor comes down with train orders to make a meet, possibly twenty-five or thirty miles away. If it is after dark he is fortunate if he does not have trouble trying to make a dingy head-light burn. All this time the fireman has had his own troubles all cut out for him.

It is time to go, and through the glass of the cab window, with an accumulation of dirt that makes it well nigh opaque, he sees his first signal at safety. While running out through the yard, where his undivided attention should be given to watching the signals and switches, he is trying to locate the different pounds in his engine, and tries to decide upon the effect of the same.

He does not go far before he appreciates that he must "favor her on water," that the fireman may keep up steam. The coal is dry and fine, causing it to swirl around the cab and possibly into his eyes. He must note that the gate tender at each highway crossing is at his post, and receive a seasonable signal to that effect. He must keep in mind the number of signal and switch lights at each succeeding station, and in the absence of one of these lights he must govern himself as though the signal were at danger. That the necessary steam pressure may be obtained he has allowed his water to drop to the lowest level within safety, and this now calls for closer watching. Local trains that should have been met are running late and must be kept in mind, lest he passes some station upon a curve where passengers are alighting from or being taken aboard.

He meets the local all right, but has barely shaken off this responsibility ere the odor of a hot box is wafted into the

cab; to complete matters his injector breaks, for the water is getting low in the tank and dirt has been drawn into the strainer. At the second station he must stop for water, and he decides he will go through to there without stopping for this hot box, as he is concerned about his water in the tank now. Presently the rough riding of his engine tells him a wedge has stuck, caused by expansion of the hot driver, and he remembers he has no tools upon the engine to fix it. There is a station two miles away, but he is not scheduled to make this stop. The water station is five miles beyond. She must go to there; and after doing all that he can at this station, will ask that another engine be furnished at the first place where a suitable engine is available.

The fireman is fighting hard to maintain the steam pressure, and devoting his undivided attention to this duty. Back in the train the passengers are reading or talking; some in one of the cars are being amused by the playfulness of a little child in its fond mother's arms. None are aware of the struggle up ahead or appear to appreciate the fact that they have placed their lives and the happiness of their loved ones in the hands of this one man—this engineer of whose character and habits they are entirely ignorant. Can any one well imagine a responsibility greater than his? He sits there in the cab watching that his brake reservoirs have their maximum pressure of air, and his mind, notwithstanding the many distracting influences, must be ready to act in the proper way in the case of an emergency ever likely to occur and frequently occurring.

What about that train order to meet this other train? Have you forgotten it? Has he? And if he has, there is no one to remind him. The order read for the next station, and we have seen him planning for repairs upon his engine at the station beyond that.

One mile farther—we can only wait to see—think of these innocent people—think of the little child.

The "critical moment" is fast approaching for this engineer, for already signal lights show clear for the station hidden by the curve. As he leans from the cab window, picking up familiar landmarks as shown by the uncertain light from the dirty reflector of this scrap heap of an engine he is running, there appears to be no sign of his intention to stop. Does he remember? He finds the mark for which he is looking. It is the "whistling post" for the station.

Now, he quickly closes the throttle, drops the links and prepares to stop.

This train order has ever been foremost in his mind. Through all these little difficulties it is one of the duties expected of him

At the telegraph office he receives for another train order stating he will meet train at next station instead of this. He goes back to his engine, calls in his flagman and takes up the fight again.

Is there anyone who will not admit this is too great a responsibility upon any one man? And yet this is an every day experience.

If we are not prepared to cope with all of these conditions the public is informed that the accident occurred because "the man's brain failed to work." Instead of a hot driver box we might have written it water in boiler foaming, fire box leaking, a grade of coal unfit for the purpose of making steam, or a score of influences of a nature to distract the attention of the engineer from what may rightly be considered the proper channel for his thoughts.

Providing that the engineer is a man of temperate habits and good character, highly appreciative of the grave responsibility of his position, yet in consequence of the many duties requiring his attention he fails upon one and fatal results follow this failure; is it fair to say he has committed a crime? When a wreck occurs many people profess to wonder what the engineer was thinking about, un-

mindful of the fact that many matters of equal importance were requiring his attention and care. These same wise-
acres, who judge us with their little brains located in their mouths, have to tie a string around their finger to remind themselves to order the coal or to mail a letter. But in the case of the engineer they would have forgetfulness a crime.

It is not our purpose to create sympathy for or to shield the fellow who wantonly allows his thoughts to drift to matters foreign to his duties, or who in consequence of the use of intoxicating liquor has allowed his brain to become clouded or his faculties benumbed. We simply ask justice for the man who on account of too long hours of steady employment or too many cares requiring his attention, is unable to cope with the conditions existing and upon this account makes the mistake.

It is true that "Mr. Loftus," a great authority in railroad matters, has never heard of a case as has been portrayed. There is no such widespread cause for complaint as is represented. Employees are always making exaggerated statements about the conditions surrounding their employment. He does not credit them. He will bury his head in the sand of statistics made up from delay reports; but statistics we have been taught are the superlative degree of lies. "Mr. Loftus" goes over the road every year with the railroad commissioners on a tour of inspection. We are all well aware of that. At one time it was customary to issue notices that this special train would be run, but of late years when we see them whitewashing the fences and raking the yards and the roadbed we know the inspection is due. It is made from the president's car, buffet attached, and is always accompanied by a social good time. Now, if our executives will prosecute these employees whom "Mr. Loftus" and his commissioners say are to blame and send them to jail for awhile, it will divert public notice from officials. These matters are very trying upon these gen-

tlemen and they are obliged to take a sea voyage to Europe and a month in the mountains to rest. The public will make a mistake if they ever release "Mr. Loftus" or his associates from the "cow catcher," where years ago it was suggested that they be tied to insure the safety of the passengers.

Had it been the desire to paint a horrible example of the work we are often called upon to do and is done successfully, we could have painted this story upon a stormy night, when signals are obscured by snow or fog. We could have described, literally, one of our engines, as much worse than the one written about, as this engine was worse than she should have been. Instead of the faithful, conscientious fireman, working with untiring energy to lighten the cares of the engineer; we would have had upon this train an inexperienced, or far worse, a self-important fireman, who disagrees with Shakespere's axiom,—“An two men ride of a horse, one must ride behind.” There are many trips made under more favorable conditions, but we have written what we believe to be a happy medium,—just an ordinary, or another phase of our every day life. We will later present a remedy, and demonstrate that these nerve racking experiences, with their elements of danger to the public, are unnecessary.

If the authority who has enlightened the public as to the causes of the accidents could place himself in the position of one of these engineers, he would certainly qualify his opinions and lend his aid in correcting the evils.

The gentleman goes further and claims it is unfair to blame the management of our railroads for these existing conditions, thereby virtually admitting that things are beyond their control. This is an opinion many of us had held for some time, and as a remedy for this state of affairs we have asked for governmental supervision of our railroads by men competent to exercise it.

CHAPTER VII.

COMMISSIONERS INVESTIGATING AND REPORTING RAILROAD ACCIDENTS. TESTIMONIAL TO ASA P. FRENCH.

The Railroad Commissioners in their thirty-third annual report print upon pages 80, 81, 82 this statement of a decision as to the cause of the

Collision on New York, New Haven & Hartford Railroad
at Avon.

"On September 18, 1901, freight train No. 5609, due from Braintree at Avon, on the Plymouth Division of the New York, New Haven & Hartford Railroad, arrived an hour or more late, and was backed from the south-bound to the north-bound track, where it stood preparatory to moving upon and over a side track.

The regular passenger train leaving Boston at 1.08 p. m., and due at Avon at 1.37 p. m., approached at its usual speed of thirty-five to forty miles an hour. As this train with the right of way and apparently clear track was in the act of passing the freight train, the latter was put in motion, in the expectation that it would move down the north-bound track and thence upon and over a side track. Had this movement taken place, there would have been no accident. But the switch that connected the northerly end of the cross-over between the two main tracks, over which cross-over the freight train had been backed, was open, and the freight train when put in motion almost immediately swung to the right, and, passing upon the cross-over, before it could be stopped, came into collision with cars of the passenger train. In consequence of this collision, six lives were lost and many persons injured.

At a public hearing, held in the office of the Board, October 1, 1901, the testimony included statements by the conductor, engineer, fireman and switchman of the freight train, and the engineer and fireman of the passenger train.

Upon the arrival of the freight train at Avon the switchman opened the switch at each end of the cross-over between the main tracks. He closed the switch at the south end as soon as the train had passed it, and then, instead of following up the train and closing the north switch as soon as the train cleared it, he walked over to another switch on the north-bound track, and set it for the siding upon which the freight train was to move. The freight train was then standing on the north-bound track, close to the open switch at the north end of the cross-over. Forgetting that he had left that switch open, the switchman gave the signal to the engineer that everything was all right. The position of the engine of the freight train was at this moment such that the body of the machine shut from the view of the engineer upon the right of the cab both the switch target to the left and the open point of the switch in front. Relying upon the sign given by the switchman, the engineer started his train forward.

Forgetfulness in the performance of duty on the part of the switchman was the first contributing cause to the disaster, but it was the further careless act of the engineer which permitted fatal results to follow the fault of the switchman. Had the engineer, as he ought to have done, either stepped across the cab and looked at the switch target, or inquired of the fireman about it, he would have been seasonably informed, through his own senses or those of the fireman, of the switchman's mistake.

The rules of the company require of the engineer "the exact observance of all signals and other precautions established for the safety of trains" and "the avoidance of all risk." They further authorize even disobedience of the

orders of a superior, "when such orders endanger the safety of the train or cause injury to persons or property." But if there were no rules, proper appreciation of his responsibility for the safety of others required the engineer, knowing, as he did, that the passenger train was approaching, in fact was then passing, to make sure, in the use of his own senses or those of his associate, that the switch directly in front of his engine was closed. To rely upon the signal to go ahead given by the switchman standing at another switch some little distance away, under such circumstances, was carelessness.

We accordingly find that the accident happened through the combined carelessness of the engineer and the switchman of the freight train.

October 10, 1901.

JAMES F. JACKSON,
GEORGE W. BISHOP,
CLINTON WHITE,
Committee."

All of this reads well, but it is absolutely impracticable to run a locomotive without confidence in signals received from the trainmen, and the Commissioners allowed this most favorable opportunity to go when they might have exemplified the recommendation upon pages 34-35 "The subject of railroad signals has received much attention, and interlocking switch and signal plants have been installed in many places; there is need that more additional equipment of this kind should be provided at an early date."

The adoption of the above recommendation by the railroads will be highly appreciated by all engineers.

It is to be regretted that the accident at Avon was not held to be a good object lesson for this opinion of the commissioners.

We submit the statement of District Attorney Asa P. French to the Grand Jury at Dedham, and ask that

proper recognition be taken of what we consider to be a practical, logical, and just conclusion on part of Mr. French in attempting to fix blame for this accident.

District Attorney Asa P. French to Grand Jury at Dedham
April 11, 1902.

"GENTLEMEN :

In deciding as to the responsibility for the wreck at Avon on September 18 last, you are to remember that in the performance of his duty as locomotive engineer upon a freight train, Mr. Sheldon was obliged to accept and act upon signals given by his switchman and trainmen.

It was in obedience to a signal given by this switchman, whose sole duty at this time was the care of these switches, the position of which was hidden from the view of the engineer, that the engine was moved ahead, the result of which caused the wreck.

This action upon the part of the engineer was not only in accordance with his usual custom, but always was, and continues to be, the general practice of all engineers in like circumstances."

Attention is called to the fact that the decision of the Railroad Commission was rendered and published October 10, 1901, while Mr. Sheldon was being held for the Grand Jury, and as a matter of fact his trial before that body did not take place until April 11, 1902.

For a less serious offense of a like nature, newspaper publishers have been summoned to court, and fined for contempt. It is difficult to explain such action upon the part of the Railroad Commissioners, especially when we consider the fact that the chairman of the board is a gentleman of acknowledged legal ability. Furthermore the Grand Jury, before whom Mr. Sheldon's case was brought, found no bill against him, and he was exonerated from the charge under which he was held.

The Brotherhood of Locomotive Engineers indorsed the position of Mr. French, and challenged any practical railroad man to take exceptions to it.

In recognition of what we considered to be a sound and just conclusion upon the part of the District Attorney the following testimonial was placed in the souvenir book, published in connection with the annual ball of Divisions 61, 312 and 439, Brotherhood of Locomotive Engineers, held in Boston, December 11, 1902:

"To Asa P. French, a Lawyer of National Reputation.

TESTIMONIAL.

The members of the Brotherhood of Locomotive Engineers, through the medium of their legislative report, have had their attention called to the action taken by Asa P. French, District Attorney of Plymouth and Norfolk Counties, in a case in which their interests were involved. This case was one which, by the finding of the coroner, as well as the supposed-to-be expert opinion of the Railroad Commissioners, an engineer was accused of being guilty of "contributory carelessness," in causing a fatal accident. The Railroad Commissioners quoted from certain rules of the railroad, as though they were the laws of the State, to find a reason to place certain responsibility upon the engineer.

It is an open question as to whether or not the rules referred to could be interpreted even by an astute lawyer to apply to the case in hand.

Certainly there was no recommendation from the Board of Commissioners that could be acted upon to prevent a recurrence of this fatal accident, and it is as possible to have a similar wreck occur today upon the Boston & Maine or Boston & Albany as it is to have a similar accident repeated upon the New York, New Haven & Hartford Railroad.

It is quite evident that District Attorney French decided to investigate for himself the causes and conditions which led up to the accident, rather than accept the finding of Railroad Commissioners and the decision of the judge of inquest. We have no way of knowing along what lines the investigations were conducted, but we feel free to challenge any man to take exception to his practical decision, and the justice of the same, as regards the responsibility of the engineer in causing accident.

The position of the locomotive engineer is accredited by the general public to be one of danger and great responsibility.

If we accept the credit and praise which the public may deem to bestow upon men of our calling, we should, in justice, be willing to accept the responsibility.

It is a fair question, though, just how far or to what ends this matter of responsibility may be carried.

We are responsible to the management of the railroads for making the schedule time of their trains, the time of which has been computed by them without the least consultation with the engineers.

We are responsible to these men to the extent that a failure upon our part to make this time will put some other man in our place.

On the other hand, we are responsible to the travelling public for the comfort and safety of the same.

We are responsible to the public to the extent that failure on our part to fulfill our obligations as regards their safety may require us to defend our position before the courts against a charge between which and wilful murder, in the minds of many men, there is a distinction, but little difference.

In this defense, by the decision of the Railroad Commissioners, we must not only support our position according to the law of the State, but according to the rules of

the road; rules that, in the opinion of many, are framed more for the benefit of protecting certain officials than for the government of employees.

The standing of the engineer might well be described in the advice of the Hebrew to his son: "My son, get money; get it honestly if you can—but get it." The engineer is given the time table; he is told, make it—make it—make it according to the rules if you can—but make it.

Mr. French evidently, in investigating the case, did not confine his investigation to the technicalities of a rule-book, but went into practical lines of what is the *Custom*.

If this precedent established by Mr. French is followed, and railroad officials are held responsible for the *customary manner* in which their work is done, and not shielded on technical interpretation of their rule-book, Mr. French has performed a signal favor for all engineers, and, indirectly, the public.

* * * * *

Mr. French takes no active part in politics, but notwithstanding this fact, was elected to his present office with no opposition. In the words of Rip Van Winkle, "May he live long and prosper," is the sincere wish of all members of the Brotherhood of Locomotive Engineers."

This matter was taken up in support of Mr. French's position and in appreciation of services rendered, and was written without consultation with him. Our action was justified upon the ground that if criticism of men in public office is warrantable—provided the criticism is fair and just and based upon facts,—then credit may be bestowed upon men, when their purpose or judgment is laudable.

We should all appreciate that it is a pretty serious matter to criticise a man, or a body of men, when, owing to the fact that it may not be possible to defend themselves, these men as the result of criticism, may suffer the loss of a hard earned reputation, or an irreparable injury to their charac-

ter; "Among us democrats," as President Eliot has been quoted as expressing himself, there should be no difference in the application of this rule, either by railroad commissioner or locomotive engineer. If both act upon the principle of a "square deal" perhaps the interests of the public will be as well preserved under existing conditions as if the two bodies were working together.

We are obliged to admit this was not always our opinion, but if it is the desire of the railroad commissioners I don't know that we need to complain.

Let us see how charges may be made against engineers: Suppose that as a matter of economy consistent with the course of some of our railroads, the safety valves are removed from the boilers of the locomotives, and by the rules for the government of employees, the persons responsible for the care of these engines, are required to prevent the steam increasing above a certain pressure.

Assume, that owing to the fact that other equally important duties controlled the attention of the engineer and fireman, the steam pressure increased to such a degree as to cause an explosion by which lives are lost.

Should an investigation be held by men of little practical ability, or men desirous of shielding the railroad from responsibility we should expect to read, judging by previous reports of investigations, that, forgetfulness in the performance of duty on the part of the fireman was the first contributing cause to the disaster; but it was the further careless act of the engineer which permitted fatal results to follow the fault of the fireman. "Had the engineer as he ought to have done," either looked at the steam gauge or inquired of the fireman about it, he would have been seasonably informed, through his own senses, or those of the fireman, of the danger of the situation. The rules of the company require of the engineer the exact observance of the steam gauge and other precautions established for the safe-

ty of the boiler, and "the avoidance of all risk." They further authorize, even disobedience of the orders of a superior, "when such orders endanger the safety of the train or threaten injury to persons or property." But, if there were no rules, proper appreciation of his responsibility for the safety, required the engineer, knowing, as he did, that the steam pressure was likely to rise, in fact was then rising, to make sure, in the use of his own senses or those of his associate, that the steam gauge directly on top of his boiler was carrying no more than the pressure prescribed. "To rely upon a statement that everything was all right," given to him by a man standing in a position from which he had a clear view of the steam gauge, and who at the time was expected to be responsible for the pressure upon the same, under such circumstances, was carelessness. We accordingly find that the accident happened through the combined carelessness of the engineer and the man responsible for the pressure in the boiler.

This statement would be couched in the most glittering generalities, and when read by dear old ladies, we can hear them say, what remarkable men these committeemen are.

Now, what would be the report of a practical man who had an interest in the prevention of future accidents? We can imagine his report embodied in one sentence addressed to the president of the railroad. Equip your locomotive boilers with automatic safety valves.

To obtain something feasible as embodied in the latter report is unquestionably the intent of the law authorizing investigations by a special board.

The office of the district attorney may reasonably be entrusted with protecting the interests of the public in cases of carelessness or incompetency.

More than for the display of rhetorical flourish, the purposes of investigations by the board of railroad commissioners may reasonably be assumed to be, to ascertain the

causes of accidents, that safeguards may be recommended to prevent similar accidents.

To more clearly establish this fact a petition was presented in House Bill 575, by John E. Miles, entitled

An Act

Relative to Investigations by the Board of Railroad Commissioners.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

Section 1. Section 17 of Chapter III of the Revised Laws is hereby amended by adding at the end thereof the following: But the result of the investigation of the board shall not be published or made public by the board in any case in which the board finds that the accident was due to negligence on the part of any employe,—so as to read as follows:—

Section 17. The board shall investigate the causes of any accident on a railroad or street railway which results in loss of life; and of other accidents which, in its judgment, require investigation; but the result of the investigation of the board shall not be published or made public by the board in any case in which the board finds that the accident was due to the negligence on the part of any employe.

Section 2. This act shall take effect upon its passage.

At a hearing held before the railroads committee the reasons given for presenting this petition were such as have been here cited. The chairman of the railroad commission at this hearing stated, that "the petition under consideration had been discussed in an amiable manner at the office of the commissioners by Mr. Miles, and I agreed with him that it was not the purpose of investigations to find the person blamed, so much as to find the cause, that some remedy might be recommended to avoid future accidents of the

same nature. This was the policy adopted by the board. Still it might be possible for an accident to occur where in public opinion the corporation would be held to blame, while as a matter of fact it would be some employee, and an injustice would be done to the Company; as to whether or not the legislature was desirous of taking this privilege away from the board was for the committee to say."

Inasmuch as according to the finding of the grand jury in the Avon case, it has been demonstrated that the railroad commissioners are not infallible, it might be as well if this body should keep within the intent of the law, as was agreed it is, by the commission.

It seems fair to assume, that the railroads, in exchange for the press mileage so generously bestowed upon the agencies most influential in shaping public opinion; and through the opportunities given at "pink teas," for railroad officials to read their carefully prepared and type written speeches which will later, at probably high priced advertising rates, appear in the papers; that the railroad companies are in a pretty fair position to mould public opinion for their own good.

The statement of the railroad commission gives good ground for the following reasoning of the *Springfield Union*:

"In actual practice the board of railroad commissioners does little more than prevent the patrons of steam and electric roads from securing relief from intolerable conditions."

* * * * *

"The board should be the servant of the people who have created it, not the creature of the railroads which it has now become either through failure to properly interpret or failure of the laws themselves."

To return to the engineer;—we are not to be understood to mean that the present railroad officials are alone necessarily responsible for the unhappy conditions many of

the men we ride behind are many times obliged to contend with; for it is undeniably a fact that it is not owing to any parsimonious policy we find this state of affairs, but to the absence of interest gradually growing less through want of encouragement or lack of proper discipline.

Every new engine is given a complete and expensive set of tools suitable for use in case of break down, and with proper care considering the use, these tools might reasonably be expected to last the lifetime of the engine. Instead of this we find, month after month, cases upon cases of tools, lanterns, and all kinds of supplies coming to our storeroom to replace others of the same kind that either through carelessness or dishonesty have been lost or stolen. Serious delay is at times inflicted upon the public through the want of the most ordinary equipment for use in case of breakdown. The public interest is ignored, but they have the remedy in their own hands by holding the Railroad Commissioners responsible for any laxity existing either in the equipment or the men.

CHAPTERS VIII.

CHARACTER OF THE LOCOMOTIVE ENGINEER.

Let us make some inquiries as to who this man is we trust so blindly? Where did he come from? What is his character? Is he of good moral habits? Who are his associates? Where does he spend his leisure time?

Surely if you were employing a coachman, you would at least interest yourself to the extent of learning these things as to his character; but you deliberately place your life and many times the lives of those you hold so dearly, in the keeping of men, in the shaping of whose character little if any interest is taken. Too much credit cannot be given to one particular agency that has ever made character building one of its chief purposes. The agency I refer to, is the Brotherhood of Locomotive Engineers. The motto of this organization are Truth, Sobriety, Justice and Morality. The two fundamental principles of the order are to encourage upon the part of its members an interest in their profession and to elevate their standing in society. How little the public are aware of the efforts of the leaders of this labor organization to encourage all of its members to live up to its purposes. How heavily they are at times handicapped by the material the railroad officials present to them as men eligible to become members; and later these same officials have the audacity to criticize the order.

Not very long ago a master mechanic called to his office an engineer he had reason to believe was much interested in the Brotherhood, and inquired if a certain engineer belonged to the order. He was answered in the affirmative, and at once commenced to speak contemptuously of the organization and remarked they should be proud of such a

man. When the master mechanic had completed his tirade he was politely informed that the person of whom he complained so bitterly, was employed by him as a fireman. Every opportunity had here been afforded him to study his character, which was known to all his associates to be anything but what it should be, but notwithstanding this fact he had been promoted to become an engineer. In due time he availed himself of his privilege, and applied for membership in the order. His application was deliberated upon at some length, and after assurances to try and do right had been exacted he was accepted. We acted upon the ground, we could exercise more influence over him in our order than if he were kept outside. His was not the first case of the kind that had been forced upon us. We had succeeded in making men of worse than he, and we would yet make a man of him.

At his first opportunity the engineer presented this matter to his associates and asked that all do what was possible to make this man what he should be. Today there is every prospect the purpose will succeed, and in no place is it as much appreciated as in the home, where there is daily offered a prayer for the men to whose efforts the change is due.

All men appreciate the degrading influences of evil associations. Frequently all that a man requires in order to do better is a little encouragement and an opportunity. There are men who think if a man is of a good disposition he will go right under all circumstances; if of a vicious nature, good influences cannot restrain him. This reasoning may be true of the extremes of either case, but there is a large middle class, and we may all reflect upon the Irishman's toast:

"Here's to you as Good as you are,
And Here's to me as Bad as I am;
As Good as you are, and as Bad as I am,
I'm as Good as you are, as Bad as I am."

A petition was presented to the Massachusetts Legislature of 1903 purporting to come from one John Shea, asking certain legislation intended to curtail the practice of assignment of wages.

This petition was endorsed by the representatives of a number of labor organizations, but we were all greatly impressed by the action of the corporations in relation to this matter.

The two railroad corporations entering the south side of the city of Boston sent special representatives, supported by much documentary evidence. The New York, New Haven & Hartford sent their special legislative counsel to assist in conducting the hearing upon this petition before a committee of the Legislature. This counsel stated that the action upon the part of the railroad represented by him was taken for the "*sole purpose of protecting the interests of their employees.*" Are there any words to express as plainly as this action, what the feelings of these railroads are toward their employees? Can any one doubt after this, the general desire for suitable conditions, removed from all associations of an immoral, vicious nature? Is it to be thought that after this arousal of interest upon the part of the railroads, they could consistently refuse support toward any movement that will give them "better work from better men"? We are all quite agreed that no man dependent upon his daily wages is justified in spending his entire income; for that man when adversity comes to him, will either become an object of charity or an encumbrance upon his friends.

The greatest stress was laid by the counsel of the railroad upon the injurious effect upon the morale of the men. This practice of assignment of wages, in the majority of cases is to procure articles of vanity.

Probably one of the reasons for the defeat of this petition was the failure upon the part of its sponsors to convince

the legislators this was not a "paymaster's bill"; and the bold assertion of the counsel for the opposition that the only effect of such a law would be to cause a change in bookkeeping by the people doing this credit business.

It seemed too bad that nothing could come from the laudable purpose of the railroads to improve the "morals of their men," but directly an opportunity presented itself.

About this time invitations were sent to several men in active service of the railroads running from the south side of the city of Boston, to attend a convention, to be held in Topeka, Kan., under the auspices of the Railroad Branch of Young Men's Christian Association.

The thought occurred to us upon the receipt of the invitation that this might afford an opportunity to these railroads solicitous for the "morale of their men," to extend their sympathies along these practical lines.

That we might learn the attitude of the railroads upon this question before any action was taken, we asked for an interview with the General Manager, and outlined the purpose we had in mind, and asked what he would do upon the matter, or what we might expect to be the position of the road. The project met with his approval, and advice was given as to a good policy to pursue. This advice was strictly observed by us, and in the interests of the engineers I attended the Topeka convention, held May 1, 2, 3, 1903, for the purpose of obtaining all information possible in reference to the work.

Our desire was to create a social forum wherein men from all departments of the railroad service might mingle together for the mutual benefit and for the good of the service.

Nothing of the sentimental to my knowledge entered, nor should it be allowed to enter, into the proposition.

This was our original impression, and was further strengthened by observation at the convention.

In my opinion it is a serious mistake to play upon the feelings or emotions of a railroad man's mind, exhorting him as some religiously inclined people try to do. I believe a man in the position of a railroad employee should have his faculties pretty evenly balanced; that is, in neither the vicious nor the ultra religious channel. Just such a doctrine as this of President Roosevelt is what we like to hear.

"I needed no urging to get me to accept your invitation. I hailed the chance of speaking a few words to you on this occasion, because it seems to me that the Railroad Branch of the Y. M. C. A. exemplifies in practice, just exactly what I like to preach; that is, the combination of efficiency with decent living and high ideals.

There is an anecdote I have been fond of repeating to railroad men and to others. The last time I saw General Sherman, he told me that in the event of a war he could conceive of no better fortune for a general than to have an army composed exclusively of railroad men, because they are men whose profession means that they of necessity would make great and successful soldiers; the quality of work, of facing risks, of facing hardships, of combining the capacity to obey quickly with the capacity to take responsibilities, of acting on individual initiative, just as continually as the need arises.

In our present advanced civilization, we have to pay certain penalties for what we have obtained. Among the penalties is the fact that in very many occupations there is so little demand upon nerve, hardihood and endurance, that there is a tendency to unhealthy softening and relaxation of fiber, and such being the case, think it a fortunate thing for our people as a whole that there should be certain occupations, prominent among them railroading, in which the man has to show the qualities of courage, of hardihood, of willingness to face danger, of cultivation of the power of instantaneous decision under difficulties—the very qualities

which go to make up the virile side of a man's character—the qualities, Colonel McCook, which you and those like like you showed when, as boys and young men you fought to a finish the great Civil war, for when you introduced me in connection with war, it must always be remembered that compared to the war you saw, mine was the veriest skirmish.

Now, gentlemen, so much for the manliness, so much for the strength, so much for the courage, developed by your profession. You show, and have to show (or you couldn't succeed in doing the work that you are doing as your life work) the qualities which must obtain in any great, masterful, powerful people. Those qualities are all-important, but they are not all-sufficient. It is necessary, absolutely to have them. No nation can rise to greatness without them, but by them alone no nation will ever become great. There are plenty of peoples, and reading through the pages of history you come upon them, nation after nation, in which there has been a high average of individual strength, bravery and hardihood, and yet, in which there has been nothing approaching national greatness, because those qualities were not supplemented by others just as necessary. With the courage, with the hardihood, with the strength, must come the power of self-restraint, power of self-mastery, the capacity to work for and with others as well as for one's self, the power of giving to others the love which each of us must bear for his neighbor if we are to make our civilization really great. These are the qualities which are fostered and developed, which are given full play, by institutions such as the Y. M. C. A.

The other day, in a little Lutheran church at Sioux Falls, I listened to a most interesting, a most stimulating sermon, which struck me particularly because of a translation of a word which I am ashamed to say I had mistranslated always myself before. It was on the old text of 'Faith, Hope and Charity.' The sermon was delivered in German, and the

translation, or the word, that the preacher used for 'charity' was not 'charity,' but 'love.' That the greatest of all the forces with which we deal for betterment is love; and looking it up I found what of course I ought to have known before, but didn't—that the Greek word which we have translated as 'charity' should, more properly, be translated 'love.' That is, the word charity we use at present in a sense which does not make it correspond entirely with the word used in the original Greek. The preacher developed in a very striking and very happy fashion the absolute need of love, in the broadest sense of the word, in order to make mankind even approximately perfect.

We need, then, the two qualities—the quality of which I first spoke to you, and which has many shapes; the quality which rests upon courage, upon bodily and mental strength, upon the will, upon daring, upon resolution—the quality which makes men work; and then we need the quality of which the preacher spoke when he spoke of love as being the great factor, the ultimate factor, in bringing about the kind of human fellowship which will even approximately enable us to go up toward the standard after which I think we all of us, with a great many shortcomings, strive. Work and love—using each in its broadest sense, gentlemen. Work, the quality which makes a man ashamed not to be able to pull his own weight, not to be able to do for himself as well as for others without being beholden to anyone for what he is doing.

Work! No man is happy if he doesn't work. Of all miserable creatures, the idler, in whatever rank of society, is in the long run the most miserable. I don't care at which end he comes. If he comes at one end I believe he is technically described as a 'hobo.' If he comes at the other end he is described by many different terms, but by any which truthfully describes him to be worse than a hobo. If he doesn't work—if he hasn't got in him not merely capacity

for work but the desire for work—then nothing can be done with him. He is out of place in our community. We have in our scheme of government no room for the man who doesn't wish to pay his way through life by what he does, by what he does for himself and for the community. If he has leisure which makes it unnecessary for him to devote his time to earning his daily bread, then all the more he is bound to work just as hard in some way that will make the community the better off for his existence. If he fails in that, he fails to justify his existence.

Work! The capacity for work is absolutely necessary, and no man's life is full, no man can be said to live in the true sense of the word, if he doesn't work. That is necessary, and it isn't enough. If a man is utterly selfish, if he is utterly disregarding of the rights of others, if he has no ideals, if he works simply for the sake of ministering to his own base passions, if he works simply to gratify himself, small is his good in the community. I think even then he is probably better than if he is an idler; that is, he may be better than if he is an idler; but he is of no real use unless, together with the quality which enables him to work, he has the quality which enables him to love his fellows, to work with them and for them for the common good of all. And it seems to me that these Young Men's Christian Associations play a part of the greatest consequence not merely because of the great good they do in themselves, but because of the lesson of brotherhood that they teach all of us.

Gentlemen, all of us here are knit together by bonds which we cannot sever. For weal or for woe, our fates are inextricably intermingled. All of us in our present civilization are dependent upon one another to a degree never before known in the history of mankind, and in the long run we are going to go up or go down together. For the moment, some man may rise by trampling on his fellows; for the moment, and much more commonly, some men may think they

will rise or gratify their envy and hatred by pulling down others; but any such movement upward is probably illusory, is certainly shortlived. Any permanent movement upward must come in such shape that we all of us feel the lift a little. And if there is a tendency downward, all of us will feel that tendency, too. We must, if we are to raise ourselves, realize that; realize that each of us in the long run can with certainty be raised only if the conditions are such that all of us are somewhat raised, and in order to bring about those conditions the first essential is that each shall have a genuine spirit of regard and friendship for the others, and that each of us shall try to look at the problems of life somewhat from his neighbor's standpoint; that we shall have the capacity to understand one another's position, one another's needs, and also the desire each to help his brother as well as to help himself. To do that wisely, wisely to strive with that as the aim, is not very easy. Many qualities are needed in order that we can contribute our mite toward the upward movement of the world, the quality of self-abnegation, and yet combined with it the quality which will refuse to submit to injustice. Mind you that, gentlemen. I want to preach the two qualities going hand in hand. I don't want a man to fail to strive for his own betterment, I don't want him to be quick to yield to injustice; but I want him to stand for his rights. Of course, I want him to stand for his rights, but I want him to be very certain that he knows what his rights are, and that he does not make them the wrongs of someone else.

I have a great deal of faith in the average American citizen. I think he is a pretty good fellow, and I think he can generally get on with the other average American citizen if he will only know it. If he doesn't know it and erects him into a monster in his mind, then he won't get on with him, of course; but if he will take the trouble to know it and to realize it that he is a being just like himself, with the same

instincts—not all of them good—the same desire to overcome those that are not good, the same purposes, the same tendencies to shortcomings, the same desires for good, the same need of striving against the evil—if he will realize that, and if you can get the two together with an honest desire each to try, not only to help himself, but to help the other, most of our problems will be solved. I can imagine no way more likely to hurry forward such a favorable solution than this; and therefore I congratulate you with all my heart upon this meeting today, and therefore I esteem myself fortunate in having the chance of addressing you.

It is a good thing, a very good thing, to attend to the material side of life. Indeed, that is not putting it strongly enough. We must in the first instance attend to our material prosperity. Unless we have that as a foundation, we cannot build any kind of life upon it, but we shall lead a miserable and sordid life if we spend our whole time in doing nothing but attend to our material needs. If the building up of railroads, if the building up of the farms, of the factories, of the industrial centers, means nothing whatever but an increase in the instruments of production and an increase in the fevered haste with which those instruments are used, then progress amounts to little. If, however, the upbuilding of all material prosperity is to serve as a foundation upon which we raise a higher, a purer, a fuller, a better life, then indeed things are well with the republic. If, as our wealth increases, the wisdom of our use of the wealth increases in even greater proportion, then the wealth has abundantly justified its existence many times over. If, with the industry, the skill, the hardihood, of those whom I am addressing, and their fellows—if with those qualities of theirs nothing comes beyond a selfish desire each to grasp for himself whatever he can of material enjoyment, if such be the case, then the outlook for the future is indeed grave. If such be the case, then the

advantage of living in the twentieth century, surrounded by all our modern improvements and our modern symbols of progress, is indeed small. But if we mean to make of each fresh development in the way of material betterment a step toward a fresh development in moral, spiritual, intellectual betterment then we are to be congratulated.

To me the future seems full of hope, because, although there are conflicting tendencies, and although some of these tendencies of our present life are full of evil, yet, on the whole, the tendencies for good are in the ascendant. And I greet this audience, I greet this great body of delegates, with peculiar pleasure because they are men who embody—and embody by the very fact of their presence here—the two essential sets of qualities of which I have been speaking. They embody a capacity for self help with the desire mutually to help one another. You have got several qualities I like. You have good, sound bodies. Your profession is not one that can be carried on—at least in some of its branches—very favorably without the sound body. You have good, sound minds, and that is better than sound bodies. And finally, the fact that you are here, the fact that you have done what you have done, shows that you have that which counts for more than body—for more than mind—character.

Character! That is what tells in the long run—character which is compounded of many different qualities. In the first place, of perseverance, resolution, refusal to be daunted. There is not a man here who doesn't at times fail, who doesn't meet failure—not one. And the difference between the man and the sham man is that failure daunts the one and merely makes the other try harder to overcome it. That is one side of character. Think for yourselves how much more it means than mind or body. The intellectual man who is afraid can't do anything. He meets an obstacle and he can not surmount it, and he is

cowed by it. The man without this mental gift who, instead of being cowed by it, is spurred to fresh effort by its existence, will pass the other in the race of life as sure as the sun rises in the east.

I congratulate you, as I say, not only because you are bettering yourselves, but because to you, for your good fortune, it is given to better others, to teach in the way in which teaching is most effective—not merely by precept, but by action. The railroad men of this country are a body entitled to the well wishes of their fellow men in any event, but peculiarly is this true of the railroad men of the country who join in such work as that of these Young Men's Christian Associations, because they are showing by their actions—and, oh, how much louder actions speak than words—that it is not only possible, but very, very possible and easy to combine the manliness which makes a man able to do his own share of the world's work with that fine and lofty love of one's fellow men, which makes you able to come together with your fellows and work hand in hand with them for the common good of all, for the common good of mankind in general. I congratulate you."

An argument as made by Rev. Dr. Henson, that the tendencies of these associations is to draw labor and capital closer together, unquestionably possesses merit.

In speaking of the strained relations existing between employer and employee, Dr. Henson said, "That years ago the master and the workman sat at the same bench and worked together. Today the employer spends largely of his time in Europe and is practically unapproachable to his employee."

Even stationed in Boston, with all the cares of a big railroad system, certainly the time would not be at hand to attend to details and grant interviews to individual employees.

Assume though, that there was, by mutual assistance of the railroads and the employees, some club or association, by any name whatsoever, having attractions to draw from all departments representative men that opinions might be exchanged; I believe it would result advantageously to both interested parties.

This opinion was presented to the President of the New Haven, the late Judge Hall, for the reason that should there be any mistake as to the attitude of his railroad, it certainly was not the desire to agitate the men to endeavor to force the hand of an official, so generally respected. With the communication to the President, were enclosed certain legislative reports of the Brotherhood of Locomotive Engineers, as tending to show we had gone outside of practical railroading, in a desire upon our part to establish "a community of interest."

In his reply, Judge Hall stated, he was much pleased with the interest taken by all his employees, and in regard to the Young Men's Christian Association he had no doubt but the railroad would do all that might reasonably be expected, but just what could be done was a matter for the directors to decide.

With this assurance a petition was circulated, asking the Assistant to the General Superintendent to assume the directorate of a movement to establish an association of railroad employees upon the south side of the city of Boston.

The signatures of several hundreds of employees from all departments were affixed to this petition, pledging their assistance toward making the purpose a success. In this case the gentleman to whom the petition was addressed should be willing to admit he received a flattering testimonial from the employees, inasmuch as all appreciated the fact, that in his position as an official, we were willing to accept him as the chosen representative of the men.

More than a year went by and no answer came to our petition from the railroad officials.

It seemed too bad that our purpose could not be entertained, and we turned to the Boston Young Men's Christian Union, which being less than seven minutes walk from the South Station, is to all practical purposes conveniently accessible to the employees of the railroads. It is the first of its kind and one of the most democratic and thoroughly American institutions in the country. It is furnished with the largest and best equipped reading room and library in the city, while in its parlors and class rooms are found attractions for men of all grades of society, at the nominal fee of one dollar per year. For those who delight in athletics the Union has the largest and best equipped gymnasium and bath rooms in Boston. By way of special invitation to the railroad men we asked that special quarters be assigned for their use, the Union providing light and heat, the railroad paying the expense of fitting up and caring for the rooms. We, upon our part, agreed to increase in thirty days from the acceptance of the offer, the membership of the Union by five hundred members.

At a regular meeting of the directors of the Union our suggestion was accepted, and at our request the railroad was notified of the same, but inasmuch as nothing has been heard from this, our second offer, we fear it rests in the same pigeon hole with the first.

Boston Young Men's Christian Union should rival in membership and good work accomplished the widely known Cooper Institute of New York.

With all the advantages to be obtained from the Union it may be fair to ask why railroad men do not more generally avail themselves of these privileges.

First is the mistaken belief that it is an institution where they try to cram a lot of religion down your throat, while as a matter of fact, except in the rooms assigned for that

purpose, the subject of religion is seldom broached. It is non-sectarian, and in its membership are represented all creeds. Religion is provided just as are entertainments, lectures and other debatable subjects, but it is not forced upon the attention of any one.

Another and equally forcible reason why we are not represented there in larger numbers, is owing to the fact that men who are in circumstances to pay for what they get feel that by accepting these favors for such a nominal sum they lower their spirit of self-independence and are accepting privileges that might be interpreted as matters of charity. The same could be said of our libraries or colleges.

One of the principal aims of the employees is to impress the members with the fact that they are *entitled* to all the privileges for the value the Union receives. In the chess rooms, the parlors and the gymnasium are to be found many of the most successful business men of the city, while upon the books as members, are the names of the most prominent men of the state. It was in the hopes that by the railroads doing their share, the feeling of our being associated with a quasi charitable association might be eliminated. We tried to bring them into the agreement.

Instruction is provided in the class rooms, intended to prepare young men for positions in business. It might be possible to establish an elementary training, such as could be acquired by lectures to young men who might aspire to enter the service of the railroad and from such a course the public could be greatly benefited. The fellow employees of the new men would be benefited, and unquestionably the stockholders would be benefited also. Believing firmly in the great good to be derived from this elementary training, we would advocate the establishment of state training schools for this branch of the public service.

CHAPTER IX.

TECHNICAL TRAINING SCHOOL IN RAILROADING.

Following the publication of the report of the Interstate Commerce Commission we may read in many of our leading journals unfavorable comments in reference to the safety of travel upon our railroads. Many railroad men and writers have tried to explain and excuse this condition, but none to my mind have come as near to the cause as President Tuttle of the Boston & Maine Railroad, who has been quoted as stating to a Boston audience in the course of an address upon the causes of accidents upon our railroads: "It seems to me, therefore, that in the development of our railway business, the demand for reliable men under certain conditions is greater than can be supplied." After this plain statement, coming from such an author, we might reasonably expect the railway companies to welcome any agency tending to furnish better men, trained to take up the duties required.

It is possible the public is not aware that it is not an unusual practice to send out upon important trains men to act as firemen or brakemen who do not know the first principles of the required duties. Greater interest should be taken by the public in the personnel of the railroad employees, certainly as much as in the training of men in the practice of navigation.

In the year 1891 a law was enacted "to provide and maintain a nautical training school for the instruction of pupils in the science of and the practice of navigation." By the provisions of this law \$50,000 a year could be expended for the purpose.

In 1903 the law was amended whereby the Legislature will appropriate such sums as are deemed necessary; and

in their judgment the state is warranted in appropriating and expending \$60,000 a year.

In his address to the Legislature, January 5, 1905, His Excellency, Governor Douglas, stated, "In my judgment Massachusetts made a good investment when it gave financial encouragement to our textile schools and our nautical training school. I believe we should have similar schools in other industries."

Therefore, with such strong endorsement in favor of elementary training for young men to enter other lines of employment, why is it not pertinent to ask to have some steps taken to provide for men in, or desirous of entering, the service of the railroads. This could be done under the supervision of the Board of Railroad Commissioners, and, inasmuch as the expenses of this board are paid from a tax levied upon the railroads, it would simply require the people most directly benefited to furnish the means for supporting this school.

That one of our railroads appreciates the necessity for technical training may be inferred from the fact that it has recently expended \$10,000 for a course of lectures to be given without cost to their employees.

Many railroads have established facilities for the instruction and education of their engineers and firemen. They have examining boards of experienced men. The firemen, according to the arrangements formulated, have a year in which to study a book of rules and instructions relating to the mechanical and fuel phases of the locomotive, and must then undergo an examination before the board. The penalty of failure to pass with a certain percentage of merit, either in the first or second year, is dismissal from the service. The final percentage is an average of 80 for the three years' course, and 100 to qualify for a diploma as an engineer, in a subject to be specially prepared by the board.

This looks well upon paper, and if this so-called board could demonstrate that their theories are practical all would be very nice; but as a matter of fact these experienced men who act as instructors and examiners are like a lot of the women who never had a baby, but would pose as authorities to tell mothers how children should be brought up.

Some time ago notices were posted upon the bulletin boards of our several departments informing us of the fact that the railroad had placed a special car at the disposal of the agents of the Scranton Correspondence School, and we were requested to attend lectures and accept the instructions received there as law. The railroad entered into a conspiracy with the promoters of this school whereby, as a special inducement to assist the agents, the railroad would accept an assignment of wages from such of their employees as could not pay in advance. The car was brought to Boston and we all attended the lectures, given by a most affable corps of instructors, who, assisted by the use of a chemical laboratory, informed us how locomotives should be fired and run. We had learned by experience and had instructed our firemen that our engines would steam freer, burn less coal and emit less smoke if a proper amount of air was admitted through the fire-box door.

The chemists informed us we did not know our business, and the fire-box door must be kept closed tight. Although we had run engines on the mountains and in the hot lands of old Mexico, and plowed snowdrifts as firemen and engineers in New England, we didn't mind being told that, but when a delegation could come from the west and tell us in Boston, that the agglutinated residuum found in our fire-boxes we were in the habit of calling clinkers, should be more correctly defined as peroxides of iron, the effect can be imagined better than described.

However, we were solaced by the poetical recitations with which these lectures were brought to a close, and we received cordial invitations to enroll as members on the very considerate conditions made possible by the railroad in the form of the easy payment plan.

Had our smoke agents stuck to their "locomotive running taught by mail" all might have been well, but they committed the error of attempting to put their theoretical ideas into practice, and here was where the arrow found "Achilles's heel."

The spokesman of the board of instructors was appointed to assume charge of our engines, and we were informed through a bulletin notice of that fact, and ordered to recognize his authority. Under the new regime it soon became apparent that to supply our engines with the extra coal required our tenders must be built to carry more. The officials, not being required to buy the fuel, appeared indifferent to this feature of the case, but when delay reports continued to record low steam, the gentleman from the Scranton Correspondence School was excused from further service, and the railroad is content to have them continue their practice by mail.

Now, if these railroad officials cannot operate their own railroad without turning it over to this correspondence school it is about time the public, who have to pay the bills and submit to this poor service, would accept the control for itself.

There is no denying the fact that a technical education, coupled with practical experience is a combination that cannot be beaten. Unless one cares to trust to chance, these qualifications should be considered absolutely essential in every man placed in a position of responsibility on our railroads. It is not too high a standard, and we believe it may be secured with profit to all.

In 1862 Congress passed an act for the purpose of aiding in the maintainance of colleges, where the leading object shall be to teach such branches of learning as are related to agriculture and the mechanical arts.

Under the provisions of this act Purdue University of Lafayette, Ind., was organized, and has established a national reputation.

The Purdue Locomotive testing plant provides for the reception of a locomotive within the building in such a way as to allow its action to be studied and its performance tested while the engine is run at any desired speed and under any load, the conditions being similar to those of the track. When mounted on the testing plant, the locomotive is fired and its motion is controlled precisely as if it were upon the road.

With a technical training school established upon such principles, examinations and tests of value could be held, and here the principles of railroading could be taught, not alone to men in the active service, but to men desirous of entering the service. An applicant applying for a situation is required at the present time to furnish certain information upon a prescribed form. If the applicant is a desirable person, a certain eyesight test is all that is further required.

We would establish further requirements and place the tests of the same in the hands of the representatives of the class most vitally interested; viz: in the hands of the Railroad Commissioners.

If these applicants do not at first possess the necessary requirements, the application blank approved by the railroad should be considered a card of admission to the training school where the necessary instruction would be furnished free of charge. An endorsement of the application by the commissioners should be necessary for the applicant to receive employment.

In 1864, Massachusetts in her Railroad Commission, established governmental supervision of her railroads.

No practical railroad man can say it is possible for the Board of Railroad Commissioners, with the limited force employed by them, to maintain a proper supervision of a single division of one of our railroads, to say nothing of all the railroads and street railway systems of the state.

The inevitable consequence of attempting such a task is the loss of public confidence, and to place them eventually as the Springfield Union has placed them in the toils of the railroads.

To extricate them from this position they should be given the means to exercise their powers and obtain their knowledge first hand, and not as it is prepared for them by the railroad officials.

The corps of instructors employed in the training school could be used as inspectors and experts to obtain this information.

How and where could such a school be established?

There is at the present time conveniently situated and admirably adapted, a building owned by one of our railroad companies, which has stood idle for some years, The Park Square passenger station of the Boston & Providence Railroad. This was recently purchased by the New York, New Haven & Hartford Railroad and assessed by the city of Boston for \$40,000.

Move the Railroad Commissioner's office to this building, paying the costs of supporting this plant as are other expenses of the board, and with efficient officials in charge of the work Massachusetts would contain the criterion railroad systems of the world.

Should our proposition be considered too broad for our State Board of Railroad Commissioners, we might ask to have a branch of the Interstate Commission established here in Boston, taking up this plan and supervising the railroads of New England.

CHAPTER X.

RAILROAD EMPLOYEES "WITH THE RAILROADS" AS A COMMUNITY OF INTERESTS.

The fair wages and many advantages enjoyed by the locomotive engineers are the harvests reaped from the fields sown by men, the majority of whom have long since gone to the Beyond. Yet these men will continue to live for all time in the grateful memory of all who have inherited the fruits of their labors. These are found embodied in the principles of the Brotherhood of Locomotive Engineers.

That the leaders of this organization have made mistakes cannot be gainsaid, but the fact that the successful labor leader of today is adopting the policies and practicing the methods as followed by the leader of the engineers twenty years ago, is the highest tribute that could be paid to the wisdom and sagacity of that worthy leader, the late P. M. Arthur.

Through the many years during which this man shaped the destinies of our organization, his counsel ever had a controlling influence upon its members. It is not enough for the engineers of today to live upon the past history of this organization. P. M. Arthur has gone. He has laid down the labors that must be carried on by other hands, and they should ever remember, their vocation is largely a position held in trust for their successors, and that the value of this inheritance depends greatly upon the trusteeship of today.

The relations of railroad officials and employees have changed radically during the past few years, and probably no more influencing factor can be found to be held responsible for this change than the lesson learned from the Chi-

cago, Burlington & Quincy strike. Here was an issue that cost millions of dollars, and even today, years after the fight, the members of the Brotherhood of Locomotive Engineers pay an assessment toward a fund for the benefit of members who lost situations on account of the strike. Like the Battle of Bunker Hill, it is a debateable question as to which side really won; but it demonstrated one fact, that such methods of settling disputes, like the customs of the feudal kings, belong to other days.

A few years ago what would have been thought of a labor organization that would allow itself to be recorded by its representative as "*with the railroads?*" Yet this unqualified assertion, made to a committee of the Legislature of Massachusetts by an authorized representative of the Brotherhood of Locomotive Engineers, was approved and endorsed by the members of the organization. It was with some misgivings and only after due deliberation that this step was taken, for no class appreciates to a higher degree than the locomotive engineers the influence of public opinion, and unless sound logical reasoning was shown in support of the position taken, it might mean the loss of public respect. It is a patent fact that certain agitators ever delight in the use of that great slogan cry, "anything to down the corporations," and the public often fails to note the fact that corporations are made up of individuals. Railroads in their make-up and operation embrace every trade and profession; they do a business upon borrowed capital, the interest upon which must be paid or eventually the road will reach the hands of a receiver, to the loss of the investor. After dividends, our wages and the cost of operation and maintenance must be considered, and all of these are to be paid from receipts from freight or passengers carried. Is it not illogical for the public to expect better cars to ride in, better stations to wait in, better road bed that faster trains may be run upon it for the comfort and safety

of all concerned, and at the same time expect reduced rates, carrying with them reduced incomes? Is it fair to the men employed, whose hours are longer, whose labors are more arduous, and responsibilities greater than men employed in other callings, oftentimes at better wages? It is in opposition to this reduction of incomes that the Brotherhood of Locomotive Engineers are recorded "*with the railroads.*"

This action started among the engineers, not only of the New York, New Haven & Hartford, but among those of the Boston & Maine system on a petition to the officials of the roads for an increase of pay and a reduction of hours. One of the first objections that our committee always meets with from the management of the road is that the revenue will not warrant such a request, or words to that effect. Acting upon this belief, we thought it was quite in line with our interests to object to irresponsible and inexperienced legislators making rate tariffs for our railroads. As engineers, especially, we understand that there is nothing that can be done that does not interfere more with our calling than with any other branch of the service. If any accident happens it is directly attributed to carelessness or oversight on the part of the engineer. We insist that something in the way of protection should be thrown around the engineers who run trains upon these roads. We believe we are justified in protesting against any action likely to defer the adoption of improvements that will benefit us.

In the year 1902 there were presented to the Legislature of Massachusetts a number of bills relative to the reduction of fares upon steam railroads. It was claimed by counsel for the railroads that should these measures become law the revenue of the railroads would be greatly reduced. These matters were brought to the attention of the several divisions of the Brotherhood of Locomotive Engineers, and as their representative, the Leg. Agt. was authorized to ap-

pear before the Committee on Railroads in remonstrance to the proposed legislation. April 15, addressing this committee, he stated to these gentlemen: "In the measures now under your consideration, as well as certain other bills of a nature likely to reduce the revenues of the railroads, we respectfully ask you to consider in your deliberations the interests of labor. It has been stated to you, gentlemen, by the counsel of the Boston & Maine Railroad, that that railroad has within the past three years, increased the wages of the same employees \$300,000. It was also stated here that more than 60 per cent. of the operating expenses of railroads is charged to labor. Even allowing for this increase by the present liberal management of the Boston & Maine, it does not yet compare favorably with the rate of wages paid by the Consolidated road, and even with the increase that has been of late granted by that latter road, they do not equal the rate of wages (with the exception of the New York Central) that is paid upon other roads east of Chicago, and the lines west do and always have paid higher wages than the lines east of Chicago.

Labor has been very patient upon the railroads of the East, still as much of the revenues of the railroads of the state have been devoted to improvements and the adoption of safety appliances, the employees have been benefited in other ways. The adoption of air brakes and automatic couplers upon freight cars lessened the labor and removed a large element of danger from the train men. The abolition of grade crossings removed just that amount of strain from the engineers, and the public by being insured by the adoption of these safeguards have enjoyed the benefits with the employees.

But with the adoption of these safeguards, for the comfort and convenience of the public, the railroads have been able to run trains more frequently and at a higher rate of speed, which tend to bring the strain and responsibil-

ity back upon the employees, practically to where we started from.

Negotiations are now pending between the management and representatives of the engineers of the Boston & Maine system toward the adoption of a permanent schedule and a higher rate of wages.

It is to the interests of all engineers that an equable rate of wages be paid by all roads competing.

It is also the opinion of the engineers that any laws tending to reduce the revenue of the railroads will reflect to the disadvantage of labor. If the revenue is reduced, the means of applying new safeguards likely to come in the future will be taken away.

When the roads are making money it is better for us; our shops are run at full time, and our engines are kept in better repair. This condition makes our labors that much easier and our responsibilities much less. The road bed and cars are kept in much better condition, and the public shares with the employees the benefits derived.

If labor is such a large factor in operating expenses and the railroads of the state have, while making the many improvements for the comfort and safety of the public been able to have their labor done at prices less than those in other parts of the country, it seems, if the time to make concessions (so to speak) is favorable, it owes it to labor to have the first consideration in the matter. Therefore, before the public is furnished the means of reducing the revenue, would it not be well to note that labor holds the first mortgage?

Now, while on the question of wages, although as has been stated, they are lower than are paid in other parts of the country, still the greatest of friendliness and confidence exists between the engineers and management of the different railroad systems of the state.

There is, though, just one question of much importance to yet be adjusted; a more reasonable number of hours for a day's work.

The Committee of the Engineers upon the Consolidated road have recently returned from New Haven where they held a conference with the officials of their road. Among other matters discussed was a clause in schedule asking for a day of ten hours in twelve. Much time was devoted to this matter and finally a compromise was effected, but not as the engineers would have desired. They were informed by their President that the directors had voted all the increase they felt justified in granting at the present time, and the engineers accepting this situation showed a disposition to be fair.

The labor bill relative to hours of railroad employees now pending before the Legislature was a temptation, and were it to become a law it would complete or fulfill all they ask for in their schedule. If, though, the enforcement of this law would require a curtailment of operating expenses, it was decided to be inexpedient to force the hand of the road until we felt the revenues and conditions might warrant such a step.

The Brotherhood of Locomotive Engineers is on record as in remonstrance against any mandatory legislation unless it is shown by investigation that the railroads in complying with these conditions are not justified in reducing operating expenses in such a manner as to add more labors or responsibilities to those now carried by the engineers."

CHAPTER XI.

THE ATTITUDE OF THE BROTHERHOOD ON REGULATING
HOURS OF EMPLOYMENT BY LAW.

During the past year, owing to a re-adjustment of wages and hours of labor upon two of the three railroad systems of the State, it is conceded by all that the operating expenses have been materially increased upon these lines.

These increases, as well as many other courtesies, were the results of conferences between the management and representatives of the men, and it must appear as bad faith upon the part of the engineers, after returning from meetings marked by the greatest friendliness, to lend their aid in forcing such a law upon the roads.

The officials at the present time at the head of the management of the railroad systems of the State, have proved themselves to be fair and honorable in dealings with their employees, and have expressed a willingness to adjust fairly all grievances.

It is the opinion of the engineers that a more satisfactory arrangement for all parties interested can be had through agreements arrived at between the management and the employees, than through enforced legislation.

Should this pending bill become a law, it must be admitted by all it would add materially to the operating expenses of the railroads.

Having waited patiently for a long time, it seems we should be sufficiently appreciative of benefits received from present liberal management, not to attempt to assist in en-

forcing upon them by law a condition they, at the present time, do not feel justified in granting.

It is the policy of the managements of the railroads of the state to enhance the value of the city of Boston as a seaport of prominence.

In the following of this policy large sums have been and are being spent in arranging for better terminal facilities and water front. Considerable more business may be reasonably expected when these conditions are realized, and we as engineers and others of our calling will, in the advantages of increased business and revenues, share in the results of the good management of our officials. Therefore, we feel that everything possible should be done upon our part to retain and strengthen the present harmonious relations, and we should do everything in our power to assist the management in the successful completion of their plans.

If in any department other than ours there exists a need of legislation or if the conditions are such that a satisfactory adjustment cannot be arrived at between the management and the employees; if these conditions are such as to be anything of a menace to the safety or well being of either the public or the employees, an appeal to the railroad commissioners would be justifiable and within their powers to investigate. Were there any question as to the power of the railroad commissioners, the legislature could be petitioned to *order* such an investigation and a report be made to them.

We are all prepared to admit that it is the purpose of government to protect the weak, and in this case or in the interest of public safety legislative enactment regulating the hours of labor is justifiable. It is far from our purpose to interfere in any manner, or by any influence that can be used, to prevent legislative action that would tend to bring relief in either of these two cases. There is in our judgment but one class of employees that might come under this

head, and that is the men employed as crossing tenders. Here are men performing practically the same duties as sentinels, and serving at least several times as many hours without relief. We firmly believe some action should be taken in their behalf, but in the majority of cases it cannot be denied that satisfactory arrangement of hours can be attained through the labor organizations, supported by the influence of public opinion.

CHAPTER XII.

RATE, REGULATIONS AND GOVERNMENTAL SUPERVISION
OF RAILROADS.

Reviewing personnel of our Legislature, it must be admitted that a large body of men drawn from widely separated districts and placed in a position entirely foreign to any previous experiences are, assuming they desire to do right, facing a grave responsibility. We should stop to consider the many different forms of petitions, touching upon almost every conceivable condition, some as has been intimated brought forward for more or less honest purposes, while others are of unquestionable merit, and thought out at great length by their promoters; perhaps laid before the Legislature for acceptance on sight. Owing to the large number of petitions annually presented to that body, it is a question whether or not there is a member who can say he has ever read many of the measures he has voted for. It is often at the sacrifice of other duties, interviews are granted to petitioners desirous of presenting their views, and then many times the legislator is in doubt as to what would be of greatest interest to his constituents. It was in appreciation of this situation that the members of the Brotherhood of Locomotive Engineers were respectfully reminded of the fact, that the work of their legislative agent is entirely gratuitous, and each member was requested to interest himself to the extent of informing the Senator and Representative from his district, of our position upon all matters before the Legislature in which as an organization, we have an interest. In other words every man his own lobbyist.

The wisdom of legislative bodies regulating fares upon our railroads is certainly a question warranting careful con-

sideration. The making of either passenger or freight rates is a complex proposition that should only be attempted by men of trained minds in order to obtain satisfactory results. Men who have the active management of these corporations, or men who can be held responsible for dissatisfaction or failure possible to arise, are the only persons capable of fairly passing upon these questions. There are certain principles embodied in railroad operation, which cannot be disturbed without seriously affecting the others. The interests of all concerned in public service corporations are mutual, and that the best possible results may be attained the different interests must work in harmony, each considerate of the rights of the others.

It is highly gratifying to turn back the pages of history and there find theories consistent with these present ideas.

At Boston, March 9, 1903, we presented to members of the Committee on Railroads of the Massachusetts Legislature, a suggestion in reference to the reduction of rates, that, at the present time appears to present the most practical manner of dealing with this vexed problem.

In the statement filed with the Committee, Legislative Agent Miles said, "As representative of the Brotherhood of Locomotive Engineers of this State I have been instructed to ask you to consider the position of our organization upon House Bills 797 and 1048.

We have no remonstrance against any legislation requiring the expenditure of the revenues of the railroads, for there are no improvements to be made upon the railroads that will not reflect to our benefit by lessening our responsibilities or lightening our labors. Granting this fact, we ask you to consider if reducing the revenues of railroads, as the bills under consideration have a tendency to do, will not add to our cares and our labors by delaying the work of such public benefits as elimination of grade crossings, greater protection from passing trains, of passengers alighting from

or desirous of taking trains at stations upon double tracks, also, the delaying of performing the recommendation of the Board of Railroad Commissioners, as cited in report of 1901, viz.: the advisability of installing more interlocking switch and signal systems.

Therefore, before passing favorably upon this petition, we ask you to investigate the physical condition of the railroads of Massachusetts, either by a personal inspection or through the medium of the Railroad Commissioners, and satisfy yourselves as to whether the railroads have attained that ideal perfection to warrant the reduction of the revenues of the same.

We would have no objection to make were this matter referred to the Railroad Commissioners with other petitions of a like nature for their decision."

Our contention was, that any compulsory legislation by any legislative body might work a hardship upon our associates, inasmuch as no responsibility could be attached to these bodies for the greater risks assumed or less efficient service furnished by the railroads, on account of being obliged to carry on their business at reduced profit. Whereas, were these rate fixing privileges left in the hands of an executive commission, which to a great extent may be held responsible for the safety and convenience of the public, greater discretion might reasonably be expected in the making of recommendations affecting the revenues of the roads.

There is no disputing the fact of the existence of a state of personal equation to a greater or less degree in us all. Realizing this fact it remains for us to guard against its consequences. This may be done by a more general adoption of mechanical safeguards.

When the engineers are tried, either in public opinion or by the courts, for causing some accident that might have been avoided by the adoption of these mechanical safe-guards, we ask that these Commissioners be required to carry their

share of the responsibility for not seeing that these safeguards were provided before revenue was reduced. It should always be considered, what the reduction of income means in the operating of a railroad: First, improvements and new work are suspended; next, the curtailment reaches our repair and construction shops, where men are dropped, or employed at reduced time. The effect of this is soon noticeable in the inefficiency of our motive power, and the poorer condition of our general equipment; therefore it appears illogical to us, to insist upon the reduction of rates, if such a reduction is likely to cause unsatisfactory service, or possibly endanger the safety of the public.

There are three fundamental principles involved in the operation of railroads, neither of which can be disturbed without affecting the others. They are, safety, convenience and cost of operation.

No body of men should be entrusted with the power or having the power, should attempt to disturb either of these principles, without carefully considering the effect upon the other two. The most feasible policy by which the cost of transportation may be reduced, is, through the encouragement of united interest, lower the cost of operation, and, by reducing the amount of fixed indebtedness, saving the interest upon the same.

The study of this subject is especially pertinent at the present time, when our national government is contemplating a policy of regulating the rates upon our railroads. In reference to this question it is beyond the power of any one man, or any body of men, to record the attitude of our organization, unless each, individually, has an opportunity to vote upon the same. It is fair, though, to point to the past policies, from which, an inference may be drawn as to what the future course consistently should be.

Rate regulation was considered, when the Brotherhood of Locomotive Engineers of Massachusetts, adopted with

the report of their Legislative Board of 1902, the recommendation; that measures be taken toward securing a better representation before the Board of Railroad Commissioners, at future hearings where the interests of the engineers were involved.

As to governmental supervision of our railroads I will say that it was the opinion of many of our most conservative engineers that could a closer association be had between the inspectors for the Board of Railroad Commissioners and the locomotive engineers, it would be to our mutual advantage. With the approval of these men the following action was taken to bring about this result. Under date of January 28 a communication was addressed to the Board of Railroad Commissioners asking if at the present time they held authority to ride upon the engine of any train for the purpose of inspection, and could authorize their agents to do the same. If under the law they could guarantee protection to any employee against possible discrimination by the railroads on account of information furnished by said employee to the Board or any member thereof. If not holding such authority, whether or not they would ask for same.

Upon February 10 the following reply was received:

Commonwealth of Massachusetts.

Board of Railroad Commissioners, 20 Beacon St., Boston.

MR. J. E. MILES, BOSTON, MASS.

DEAR SIR:

In response to your letter of January 28, to which our reply has been delayed in order that we might learn by inquiry from our inspectors whether the companies had in any instance declined to recognize their obligation, I would say that we have authority to inspect the roadbed, signal system, methods of operation, rolling stock, and other prop-

erty upon all railroads within the State. In the performance of this work we may personally ride upon locomotives or make arrangements for an inspector to ride upon them. There has never been to our knowledge a refusal on the part of any company to recognize this right.

I would say that our statutes protect all employees who have occasion to furnish to the Board any information relating to "a defect in the ways, works, machinery and appliances of a railroad or street railway company."

We have never known an instance where the name of any person conveying such information has been disclosed, or where any discrimination on account of such action has been practised. You will find the law upon this last subject in Section 18, Chapter III, of the Revised Laws. We should not hesitate to ask for additional legislation if any were necessary.

Very truly yours,

[Signed] JAMES F. JACKSON, *Chairman*.

To which was sent the following reply:

BOSTON, FEB. 11, 1903.

HON. JAMES F. JACKSON, BOSTON, MASS.,

CHAIRMAN, BOARD OF RAILROAD COMMISSIONERS:

Yours in reply to my letter of January 28 received. I thank you for the information; deeply regretting that circumstances required a delay. Exceptions were taken to a decision as made by your Board affecting the interests of one of our calling. In endorsing the position as taken by Dist. Attorney Asa P. French in treating this case, further mention was made of your Board. If there was any assistance we could render in obtaining of further power you might desire, it was our intention to volunteer our assist-

ance. I would say we firmly believe there is no place your inspectors can get such general knowledge of practical rail-roading as upon a locomotive. If you care to go into this matter, in behalf of the men I represent, it would afford me great pleasure to meet you. Hoping to assist in maintaining the high standard the Board of Railroad Commissioners have attained in this State,

Very truly yours,

[Signed] J. E. MILES.

In response to which the following invitation was received:

Commonwealth of Massachusetts.

Board of Railroad Commissioners, 20 Beacon St., Boston.

February 13, 1903.

JOHN E. MILES, ESQ., Plymouth, Mass.

DEAR SIR:

In replying to your letter of February, I would say that the Board would be very glad to have a talk with you, and would suggest that if you are in Boston we could see you at any time next Monday between 10.30 a. m. and 5 p. m., or that if some other day would be more convenient, the afternoon of any day excepting Friday or Saturday would afford a convenient time so far as we are concerned.

Very truly yours,

[Signed] JAMES F. JACKSON, *Chairman.*

The invitation was accepted, and at the conference a general discussion of what was desired by us in shape of "closer association with inspectors" was taken up at some length. The matter was taken under consideration by the Board, and I was invited to "drop in at any time."

March 24, upon receipt of request of Chairman of Legislative Board, through the Secretary, that I prepare a re-

port of matters entrusted to me and present to meeting of said Board, April 12, I sent the following petition to Board of Railroad Commissioners:

BOSTON, MASS, March 24, 1903.

HON. JAMES F. JACKSON, Chairman,
BOARD OF RAILROAD COMMISSIONERS,
BOSTON, MASS.

DEAR SIR:

I respectfully submit to you the following petition:

That you instruct your inspectors to more closely associate with locomotive engineers, ride upon our engines, noting the manner in which we perform our duties and the conditions surrounding the same. Amongst many reasons for this request, I present the following:

First, the fact that the "machinery" directly under our care is likely to be the subject of official inspection at all times, would, in itself, be an incentive to any who might be inclined to be lax in the performance of their duties to pay closer attention to the same.

Should it be the case that proper attention was not paid to keeping our engines in good repair, that they might properly perform the work assigned to them, the official directly responsible for this duty, as in the case of the engineer, feeling his "works" were subject to constant inspection, to protect himself, the closest attention would likely follow reports made to him by engineers.

There is no place that affords better opportunity to intelligently inspect the "ways" of a railroad than the cab of a locomotive.

Asking that you give this petition due consideration and grant me a hearing upon the same, I remain,

Very truly yours,

[Signed] JOHN E. MILES.

The following reply was received to the petition:

Commonwealth of Massachusetts.

Board of Railroad Commissioners, 20 Beacon St., Boston.

March 25, 1903.

MR. J. E. MILES,

P. O. Box 253, Plymouth, Mass.

DEAR SIR:

Your communication under date of March 24, 1903, making certain suggestions as to inspection of railroad and equipment by the inspectors of this Board was duly received. You may be sure that we deem the suggestion made well worthy of consideration, and we will take the matter up with you on Tuesday next at 2.30 p. m.

Very truly yours,

[Signed] JAMES F. JACKSON, *Chairman.*

Upon March 30 I met the Board; the following statement was submitted as the ground upon which the request was made and reasons for the same:

BOSTON, MASS., March 30, 1903.

BOARD OF RAILROAD COMMISSIONERS,

BOSTON, MASS.

GENTLEMEN:

Realizing the importance attached to the decision of the Board of Railroad Commissioners, and also the influence such decisions bear upon public opinion, the Legislative Board of the Brotherhood of Locomotive Engineers, in their last report, recommended that a better representation be had on or before the Board of Railroad Commissioners on matters in which our interests were involved. A copy of this recommendation was furnished to each member of our organization, which represents more than eighty-five

(85) per cent. of the locomotive engineers of the State. This recommendation was duly considered and adopted. As registered agent of the Brotherhood of Locomotive Engineers of Massachusetts, I forwarded to your Board a petition for this hearing, to ask that your inspectors be instructed to associate more closely with locomotive engineers, ride upon our engines, noting the manner in which we perform our duties, and the conditions surrounding the same. We court the fullest investigation into our affairs, and believe there is no class of railroad employees brought in such close touch with all departments of practical railroading as the locomotive engineers. Our superintendents, road masters and signal repair men, realizing this fact, in order to obtain the best knowledge possible pertaining to their duties, avail themselves of the privileges of our engines. The Motive Power Department in order to obtain special knowledge of the working of our engines, have men particularly assigned to the duty of riding with the engineers. If these men, so closely identified with the operative departments of the railroads, find it to their advantage to so closely associate with us in our duties, it seems fair to assume that your inspectors, trained experts in practical railroading, would find it equally to their advantage to follow in the same line. Your inspectors will be in a position to show you, and through you to the public, a fact that all engineers already know, that the railroads have not yet reached that degree of perfection to warrant you to yield to the ever popular clamor relative to the reduction of fares, when such reduction would have the tendency to reduce the railroads' incomes.

It is hard to conceive of an accident happening on the railroad that will not involve an engineer. Your Board, in all cases of importance, exercises its jurisdiction and investigates, fixing the responsibility of the accident to the best of its knowledge. With your inspectors closely trained

to our duties, we will feel we "have a better representation before the Board of Railroad Commissioners at future hearings, in which the interest of the engineers is involved."

Respectfully submitted,

[Signed] JOHN E. MILES.

Plymouth, Mass.

At close of hearing I was informed the Board would take the matter under consideration and furnish me later with their decision in reference to the same.

Upon April 8 the following was received:

"Commonwealth of Massachusetts.

Board of Railroad Commissioners, 20 Beacon St., Boston.

April 8, 1903.

MR. J. E. MILES, Plymouth, Mass.

DEAR SIR:

We shall be, as we have always been, glad to receive at any time suggestions as to the condition of any part of a railroad property within the Commonwealth. whether roadbed, station, signal system, cars, or locomotives, as well as information respecting rules, methods, and customs in operating or in using the property. Our right to inspect in person or otherwise the rolling stock of railroad companies, either while stationary or in use, at such times as the Board may desire, is fully recognized by the companies, and our inspectors will make free use of this right under our instruction.

Very truly yours,

[Signed] JAMES F. JACKSON, *Chairman.*"

"In writing the report I stated: "This ends the negotiations with the Board of Railroad Commissioners, and I desire to here express my apprecia-

tion of the courtesy and consideration ever extended by the same. With no desire to criticize past methods of the Board of Railroad Commissioners (a commission the decisions of which have been many times in years past quoted in all parts of this country), but in support of our contention that it is to our mutual benefit and the public good that a more intimate knowledge of our duties, and the conditions surrounding the same, be had by the Board, I desire to submit the following as part of House Number 1251, which is the report of the Board of Railroad Commissioners on investigation made under the order of the House, dated January 22, 1903."

"Commonwealth of Massachusetts.

In Board of Railroad Commissioners, March 26, 1903.

The Board respectfully submits its report of examination into the passenger service upon the Boston & Albany Railroad under the order of the House of Representatives, dated January 22, 1903. When, in July, 1900, the New York Central & Hudson River Railroad Co. assumed control of the Boston & Albany Railroad, it took charge of a property which had been in many respects a source of just pride to stockholders and to the Commonwealth. A new management with new methods will always meet in an atmosphere of association with and friendship for the old administration a criticism which is apt to exaggerate real grievances and give to groundless complaint an appearance of reality. Making due allowance for this, through letters and in personal interviews, as well as from records furnished by the company, that an increasing failure to make schedule time, beginning soon after the term of the lease, has culminated during the winter in a state of affairs approaching at times complete demoralization in the passenger service," etc., etc., etc.

Have not the Railroad Commissioners in this report passed judgment upon themselves? Could anything more self-condemnatory be written? "When, in July, 1900, the New York Central & Hudson River Railroad Co. assumed control of the Boston & Albany Railroad, it took charge of a property which had been in many respects a source of just pride to the stockholders and to the Commonwealth." And in less than three years the Board of Railroad Commissioners confesses the fact that this railroad, which less than three years ago "was a source of just pride," has slipped away from their watchfulness, has culminated during the winter in a state of affairs approaching at times complete demoralization in the passenger service, and the fact was only discovered by an investigation brought about by an order of the House of Representatives. Inasmuch as in their report no mention has been made of information furnished by their inspectors, it is possible that engineers have a wrong impression of what the duties of inspectors are supposed to be. While in the decision given to our petition for closer association between the inspectors and the locomotive engineers, the Board does not specifically state they will grant the same, still, as the Commissioners close their report to the House of Representatives, so I think I can close this; namely, that as I believe that the Board appreciates this need and will comply with the recommendation of the Brotherhood of Locomotive Engineers, there would seem to be no call for further action upon this recommendation by us.

In concluding this report I would respectfully submit the following recommendations:

First, that we co-operate with the Railroad Commissioners and assist them in establishing for Massachusetts the criterion railroads of the country and making her engineers exemplary in their line.

Second, that we adhere to the principles of our order, refraining from endorsing as an organization principles not directly affecting our interests; firmly believing that upon general principles we can obtain better satisfaction through agreements with our officials than could be obtained from enforced legislation.

Third, that we endeavor to show the public and their lawmakers that it is a questionable policy to demand cheap fares upon railroads when such a policy may entail loss of life or unfair treatment of railroad employees as compared with other trades or professions. It is almost an assured fact that present rates of dividends to shareholders will be maintained until all other means of "trimming" have failed.

Fourth, that we support a revision of the Employers Liability Act. Not only for benefits to be derived from accidents liable to happen, but also from the principle as cited by President Roosevelt that will tend to make corporations guard more closely against accidents to employees, realizing said corporations are to be held responsible for damages for the same."

With the acceptance of this report and the recommendation contained therein it can fairly be said the Brotherhood of Locomotive Engineers of Massachusetts have unqualifiedly recorded themselves as in favor of governmental supervision of our railroads in all its departments, and in all things pertaining to the same. It cannot be otherwise.

While loyal and faithful to the interests by which we are employed we should ever keep in mind our obligations to the Commonwealth. Exemplified in our railroad corporations more clearly than in any other industry that may be mentioned are the principles of a commercial triune.

In the corporations, as the term is applied, is supposed to be represented the great body of stockholders who may justly claim fair returns upon the capital invested. This fact

is apparently ignored by many who speak of and act toward our corporations as receiving revenue as flowers receive the dew. This class is found amongst the ever increasing number of men who seek employment in the railroad service as a means of obtaining an easy living. They are serenely indifferent to the rights of others if their own selfish ends are attained.

Upon the other side of the shield are the representatives of the corporations who, to accomplish their purposes, exact the "pound of flesh," unmindful of the many more deserving people who are made to suffer.

The railroad corporations, assisted into being by the people took the form of the genius, Cephelopoda. From the brain cell it sent out tentacles and by virtue of superior strength, its often unwilling victim was drawn within its capacious maw.

Little by little the railroad corporations of New England took from the people their highways and byways of commerce. From the fountainhead, the rich booties it received were distributed into such channels as best suited the purposes.

While this change was taking place in New England similar transformations were being effected in other parts of the country, and gradually the arms from the seat of action in New York came in conflict with branches radiating from Boston. The inevitable result soon followed, and from the rich plunder secured in the conflicts not so much as even the name of Boston remains. Our officers whom we respected with almost a reverence, were robbed of their power, or one by one laid aside. Today, where once was the throne, not a man can be found, that upon any matter other than routine, dares to say yes or no.

Not content with controlling the channels of transportation the railroad interests branched out to acquire or govern the field of production itself. The mines, the oil fields,

the cattle ranges and packing houses, as well as the wheat fields of the West, were made dependent upon their good will.

And so the railroads have increased in wealth and power until as they stand today they threaten to control the government itself. By the free use of the means at hand the corporations not only influence the selection of the executive officers of our government, but threaten to control the election of members to our legislative bodies as well. The impending danger from centralization of the combined railroad interests has long since been known to students of political economy. It is a most serious state of affairs, but at all times of threatened disaster there has ever been some man arise equal to the occasion. In his annual message to Congress, President Roosevelt recommended in the following language the enactment of proper legislation to enable the Interstate Commerce Commission to regulate the monopolies governing our transportation.

"I am well aware of the difficulties of the legislation that I am suggesting, and of the need of temperate and cautious action in securing it. I should emphatically protest against improperly radical or hasty action. The first thing to do is to deal with the great corporations engaged in the business of interstate transportation. As I said in my Message of December 6 last, the immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the Government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. It must include putting a complete stop to rebates in every shape and form. This power to regulate rates, like all similar powers over the business world, should be exercised with modification, caution and self-restraint; but it should exist,

so that it can be effectively exercised when the need rises."

Emboldened by their success in the past and fortified by well-nigh unlimited resources, the railroads of the country combined and threw down the gauntlet, boldly asserting the people have no rights the railroads are bound to respect. By misrepresentation these corporations seek to enlist the aid of their employees to prevent the people from securing relief from conditions which are fast becoming intolerable. At such times they would have us forget what their attitude is in all instances except wherein the people by their laws have compelled them to be fair or the force and united strength of our organizations have forced recognition of our claims. These corporations by appealing to the selfishness and prejudices of our human nature would divide from the great body politic their employees. This is a most dangerous and short-sighted policy; for right will prevail in the end.

These railroad managers who are crying so loudly against this modest recommendation of President Roosevelt which has been supported by the general public to an unheard-of extent, plainly proclaim there are some things below the surface.

In the action of the railroads, influencing the employees to threaten members of Congress, is clearly demonstrated the necessity of better education for railroad men in the true principles of citizenship. This having been accomplished little difficulty would remain in reducing the present cost of railroad operation to an appreciable extent; provided the employees could be shown the results of the interest taken by them would accrue to the benefit of the public.

To swing railroad employees from the rut into which they have fallen, can only be done by education and more efficient governmental supervision. Much can be done by moral influence and interest in the social life of all railroad

employees. The New England Civic Federation is peculiarly well situated to organize such a movement.

As to what the attitude of the government toward railroad employees is, at such times as the railroads are operated by the government, it might be well to reflect upon United States Public Laws 1898, Chapter 370.

Section 9. "Whenever receivers appointed by Federal courts are in the possession and control of railroads, the employees upon such railroads shall have the right to be heard in such courts upon all questions affecting the terms and conditions of their employment, through the officers and representatives of their associations, whether incorporated or unincorporated; and no reduction of wages shall be made by such receivers without the authority of the court therefor upon notice to such employees, said notice to be not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway operated by such receiver or receivers.

Section 10. Any employer subject to the provisions of this Act, and any officer, agent, or receiver of such employer who shall require any employee, or any person seeking employment, as a condition of such employment, to enter into an agreement, either written or verbal, not to become or remain a member of any labor corporation, association, or organization; or shall threaten any employee with loss of employment, or shall unjustly discriminate against any employee because of his membership in such a labor corporation, association, or organization; or who shall require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, social, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any

benefit received from such fund beyond the proportion of the benefit arising from the employer's contribution to such fund; or who shall, after having discharged an employee, attempt or conspire to prevent such employee from obtaining employment, or who shall, after the quitting of an employee, attempt or conspire to prevent such employee from obtaining employment, is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof in any court of the United States of competent jurisdiction in the district in which such offense was committed, shall be punished for each offense by a fine of not less than one hundred dollars and not more than one thousand dollars."

CHAPTER XIII.

ARBITRATION.

In the summer of 1903 the engineers of one of our railroad systems presented a new schedule to their officials, calling for a readjustment of wages and the changing of certain conditions in connection with their work. The petition of the engineers was met by a counter proposition from the officials,, and the usual debates, adjournments and interviews took place. The strike of the miners has for all time demonstrated the fact that when the welfare of the public is jeopardized by disputes affecting the distribution of public utilities the rights and interests of the third interested party are not to be ignored.

The anthracite strike proved the futility of either party to a dispute affecting the public, refusing any fair offer of adjustment. Generally speaking, the difficulty lies in the selection of a tribunal satisfactory to all parties before whom labor disputes may be tried.

While at times many heated controversies took place between the officials and the engineers seeking a new schedule, through it all reason and good judgment prevailed. Failing to agree, offer was made by the officials to submit the matter to the Railroad Commissioners for their decision. Such a proposition would not be entertained by the engineers. Later a satisfactory agreement was arrived at by the officials and the engineers without assistance from others.

Assuming that this settlement had failed and a strike was threatened. The most essential factor necessary for success in case of an issue, would be favorable public opinion; and with this offer upon the part of the officials

to be taken into consideration, with the best kind of a case, the support of the public, to say the least, would be doubtful. This action upon the part of the railroad officials put a few railroad employees, that look a little into the future, thinking what might be done to checkmate a play of that kind, or bring about a condition of affairs that such an offer could, in justice to ourselves, be accepted by us. This could never be until it was felt that the influences of the corporations were eliminated from the Board of Railroad Commissioners. We conceived a policy, that was strengthened by consultation with many of the best railroad men in the state, and two days before the 5th of October, 1903, I received a request to appear, as the representative of the Brotherhood of Locomotive Engineers, before the Commission on Relations Between Employer and Employee, in reference to matters affecting the interests of the Brotherhood of Locomotive Engineers. No decisive action had been taken by this organization in reference to the questions under consideration of the Commission, therefore conclusions had to be drawn from personal interviews with the individual members of the order, and to avoid any possibility of misrepresenting the ideas of my associates, later I again went before the Commissioners and stated: "We have amongst our membership men whose homes are 120 miles from the meeting place of their order, there are other men that, owing to circumstances, have no opportunity of hearing the report of their representative at the State House. It is the custom to have this report printed and presented to these men. Owing to the fact that the stenographer was unable to furnish this report at an earlier date, I could not attend to this, but will be able to do so in three or four days, and, if any exception is taken to the same, I desire the privilege of presenting this exception to your Commission."

"The Chairman.—A quorum of the Committee being present, we will go on with the hearing. Our subject to-day is: Injunctions, Conduct of Strikes, and this subject includes Picketing, Boycotting, Balcklisting, Violence and Intimidation, and the Committee has before it quite a number of bills.

(Chairman reads list of bills referred to the Committee.)

Mr. Miles has a request to be heard this morning, and we will hear him now.

Mr. Miles.—The purpose sought by the Locomotive Engineers, more than directly bearing upon the conduct of strikes, is possibly to avoid and do away with strikes. We fear strikes. At the present time, established by the law of this state, is the Board of Railroad Commissioners, appointed by the Governor, the term of office three years apiece. You all know this board comprises a lawyer, a business man and a practical railroad man. We would desire that the term of office of this Board should be as for every other railroad employment—they should hold office only removable for cause. The Board has a right to appoint an inspector for each one thousand miles of railroad. We would desire to have that law changed and place the appointment of the railroad inspectors of the Board of Railroad Commissioners under the Civil Service Commission; to be recommended by it, eligible men that could be selected for this office. The salary at the present time is such as would warrant almost any railroad employee in practical railroad service to have an ambition to hold that office. It would remove all political, all personal preference or influence being brought to bear as to why one man should be selected above another, that might have greater abilities to fill this office. As to the appointment of the practical railroad man on the Board of Railroad Commissioners; having already secured the best material for our inspectors of the Board of Railroad Commissioners, and the length of service

and practical experience while on that Board acting as inspectors, we believe that an inspector would be a most fitting member to represent the practical man on the Board of Railroad Commissioners, and that the Governor should select from the railroad inspectors his future railroad member of the Railroad Commission.

I believe that injunctions and strikes, matters that could not be friendly and peaceably settled between employer and employee, between the railroad management and the employee of the railroad, could be and should be, and certainly fairly might be, referred to the Board of Railroad Commissioners, as representing the public, as representing the railroad, the interest of them, and representing the employees.

***** There is a fair tribunal that should pass honestly and fairly with the means at hand. Inasmuch as they could only be removed for cause, they would be independent of any outside influence. It appears to us that that is a tribunal which we are perfectly willing to leave our case in the hands of.

***** I would say that we desire this Commission to make some such recommendation that would compel the Board of Railroad Commissioners to act as a Court of Arbitration, if requested to do so. What I mean is this: that you recommend that the powers of the Board of Railroad Commissioners be extended to this scope, and public sentiment will make arbitration compulsory with such a tribunal to pass upon the merits of differences arising between the railroads and their employees."

In writing upon this subject the Labor Commission said: "We believe that such an agreement might be of great benefit; but as the willingness for general arbitration upon the part of the employees is coupled with certain conditions as to the appointment of the Board of Railroad Commissioners, upon which we do not feel that it is within our province to

express an opinion, we cannot do more than call the attention of the Legislature to the proposal that we have mentioned."

In appendix No. 5 of the report of the Commission is written: "On Jan. 11, 1904, this committee received official notice that the legislative board of the Brotherhood of Locomotive Engineers had voted not to endorse the proposition of Mr. Miles."

That the Commission thought the proposal worthy of consideration, however slight, would in itself have been encouraging; but that it was considered of sufficient merit to call the attention of the Legislature to it, was highly gratifying, and the fact that this action upon the part of the Commission was taken in the face of the expressed refusal of my associates to endorse my proposition, indicates to me after considering the personnel of this Commission, that the proposition was not understood by the engineers.

After this bald assertion upon my part, it may be appropriate for me to state who composed this committee, and the purpose of the appointment of such a committee.

Annually, practically the same petitions, bills, and resolves bearing upon the relations between employer and employee have been presented to the Legislature, to be given "leave to withdraw."

To thresh out these matters and save the time of legislative committees as well as in the hopes, recommendations of benefit to all persons concerned might be prepared, a resolve was passed June 5, 1903, authorizing the appointment of a special commission to consider matters contained in all petitions, bills, and resolves pending before the General Court concerning the relations between employer and employee.

The simple mention of the name of Carroll D. Wright as chairman should guarantee the work for which this commission was appointed.

Col. Wright had as associates: Henry Sterling, for years an earnest worker in the interests of organized labor, and from his opportunities as a legislative agent of the Central Labor Union was peculiarly well fitted to act as the representative of employees upon this committee.

None the less satisfactory to all parties interested was the appointment of Royal Robbins, as the representative of employers of labor. Mr. Robbins, as the treasurer of the American Watch Co., unquestionably is well qualified from practical experience to form just opinions as to laws that will bring good results to both employer and employee.

Davis R. Dewey, Ph. D., who, as Professor of Economics and Statistics at the Massachusetts Institute of Technology presents the highest of credentials.

William N. Osgood, a lawyer, and a writer upon the subject of relations between employer and employee, who is deeply interested in the science of political economy.

These men entered upon their duties with trained minds, and from public hearings and other sources collected data and obtained opinions that assisted them in forming conclusions worthy of such authors.

The recommendations of this committee as embodied in their report are entitled to careful study, and from them much useful information may be obtained of benefit to all persons interested in these social questions.

Singularly enough, while this report appears to have been unanimously accepted by the employees as fair, at the hearings held by the legislative committee of the last two legislatures, many of the most prominent corporation counsel of the state were retained in opposition to the recommendations contained in the report and most particularly to that part in reference to *employers' liability for personal injuries sustained by employees in the course of their employment.*

Relative to arbitration the committee said in part:

"It is obvious that controversies do from time to time arise whose effect upon the public interest is so momentous as to make the public to all intents and purposes a third party to the controversy. This is especially true where the difficulties in question involve the production or distribution of the necessities of life or the transportation of the people. In such instances we are far from believing that the state should be precluded from some form of intervention by a reluctance, however justifiable in principle, to interfere in private disputes. We are of the opinion, however, that compulsory investigation on the part of the State, supplemented by a public finding as to the merits of the case, will accomplish the object, through its appeal to the public, fully as effectively, and without the objectionable interference with private rights and the often futile attempt at judicial enforcement which must characterize the attempt at arbitration, under compulsion."

They further said: "And finally in accordance with the views already expressed in this report, we urge that the proper authorities should have the fullest right of investigation and publicity as to the merits of any controversy which vitally affects the public interest, regardless of the possible wishes of either or both of the immediate parties to the difficulty,—especially where such controversy involves quasi-public corporations. We therefore recommend the enactment of legislation which shall give the Governor power to direct the State Board of Conciliation and Arbitration to investigate and report upon any controversy which in his opinion seriously affects, or threatens seriously to affect, the general welfare (R. L., c. 106, sec. 2)."

This recommendation might well be embodied in an amendment to Chap. 370 of the Federal laws, by striking out in the 6th and 7th lines of Sec. 2 the words "upon request of either party to the controversy," and inserting in place thereof the words "upon the request of the President;"

and after the word "act" in the last line of the same section add the words: "Said Commissioners, after investigation as to the cause of such controversy, and having ascertained which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, may make and publish a report finding such cause and assigning such responsibility or blame." So as to read:

UNITED STATES.

(Public Laws, 1898.)

Chap. 370.—An Act Concerning carriers engaged in interstate commerce and their employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train opera-

tion or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however,* That this Act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

Sec. 2. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between a carrier subject to this Act and the employees of such carrier, seriously interrupting or threatening to interrupt the business of said carrier, the chairman of the Interstate Commerce Commission and the Commissioner of Labor shall, upon the request of the President, with all practicable expedition, put themselves in communication with the parties to such controversy, and shall use their best efforts by mediation and conciliation, to amicably settle the same; and if such efforts shall be unsuccessful, shall at once endeavor to bring about an arbitration of said controversy in accordance with the provisions of this act.

Said Commissioners having ascertained the cause of such controversy, and having ascertained which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, may make and publish a report finding such cause and assigning such responsibility or blame.

Accepting the opinion of "Carroll D. Wright's Commission" such an amendment would accomplish the object of settling disputes by arbitration fully as effectively as the attempt at arbitration under compulsion.

Unless among some of the newer labor organizations or among some of the newer members of the older organizations, there is not a trade unionist but will support a movement to enact such an amendment.

The purpose sought by the engineers was not the conduct of strikes, not a means of settling strikes, but the building up of some system which would absolutely preclude the possibility of strikes. Sufficient confidence may be put in the proposition offered for the purpose of obtaining this end to still support it, and to ask to be allowed to further elucidate it.

CHAPTER XIII.

THE PUBLIC REPRESENTED BY RAILROAD COMMISSIONERS, A
PARTY TO ALL TRADE AGREEMENTS OF RAILROAD EM-
PLOYEES.

It has been demonstrated that to no agency so much as to the railroads do we as a nation owe our success. Railroad commissions, state and interstate, have been appointed by the government to protect its interests, and the fact that these bodies are expected to keep in close touch with all matters pertaining to railroad business, little if any legislation affecting railroads is considered by our legislative bodies that is not submitted to the railroad commission for its opinion.

A stock argument of the counsel for the railroads is that no recommendations ever come from the railroad commissioners that are not adopted by the railroads. Therefore, taking these two facts into consideration, why is it ever necessary for railroad employees, unless as individual citizens, or upon legislation pertaining to recompense for personal injuries, to go to legislative halls?

See that efficient men are appointed as railroad commissioners and hold them responsible for the performance of the duties required of their office. That our commissioners do not feel that they are handicapped by want of sufficient power, we have this their avowal:

"We should not hesitate to ask for additional legislation if any were necessary."

It was this fact, as well as a knowledge of the ways of the legislators, that prompted me to recommend to my associates, while acting as their legislative agent, "that we re-

frain from endorsing as an organization principles not directly affecting our interests, firmly believing that upon general principles we can obtain better satisfaction through agreements with our officials than could be obtained from enforced legislation."

Due weight was given to the fact that this policy is practical only in case of having a higher tribunal to which an appeal may be made.

In the railroad commission we have such a tribunal, could the machinery be set in motion. It should be made a part of the work of this machinery to see that both parties to all signed agreements live up to its provisions.

It is common knowledge that there is not a railroad manager today in New England who can say he runs his own railroad, and further there is not a representative body of the employees that can control their own men.

This may be considered as a damaging admission inasmuch as it is the foundation upon which labor unions stand.

Destroy the confidence of the railroad officials in the ability of our representatives to control the members of our order, and all further attempts at negotiations will be at an end. "The subway strike" in New York has shown us the necessity for some action to strengthen our position and protect us from the unscrupulous practices of some men. In reference to the "subway strike" we may excuse ourselves to some extent by showing that the conditions surrounding this affair were most unusual. The changing of motive power from steam to electricity brought a serious problem to the Brotherhood of Locomotive Engineers, and upon the opening of the subway the conditions became still more complex. When the New York subway was about to be opened an excellent schedule covering hours of labor and wages was arranged, and signed by the Grand Chief of the Brotherhood of Locomotive Engineers in behalf of such men as might be employed who held membership in our order.

This schedule was conceded to be an exceptionally good agreement and satisfactory to all concerned. By the terms of the contract the schedule was to hold in effect for three years. After a time a spirit of discontent began to manifest itself. Up and down the line of the Interborough system men employed as motormen were being taken into the Brotherhood of Locomotive Engineers, this was a decidedly new departure and contrary to the laws of our organization. Agitation grew hot for a new schedule, and notwithstanding the fact the existing agreement was accepted for three years, a strike was threatened if demands were not granted.

Our Grand Officers denounced such actions, and sent representatives to the scene to prevail upon the men to live up to their agreement. These officers conferred with the leaders of the men in New York, but soon found they had lost control of their men. At the place of the meeting the doors were locked against them, and the worst element possible was in control.

The men struck and we all know the answer. Of course we can say they were expelled from our order, but this whole affair merits the most serious consideration inasmuch as a repetition of such a breach of contract might be a serious blow to our organization. Men can be found to do anything for money, and a time may come when a railroad corporation to suit purposes of their own might employ such men to incite their fellows to act unjustly that the railroad officials might profit in the end. We do not say this course was taken in the subway strike, but it has been done in other places, and if once why not again?

We would allow the utmost freedom of contract between railroad employees and their officials, but we would advise, in fact require, that all trade agreements be approved by some commission, and be binding upon both contracting parties and subject to change only upon the consent of this

commission. Should it be deemed in the interests of the public at any time to amend this agreement, the commission after due notice to interested parties should have the power to make such changes as would afford better service to the public.

In selecting this commission, with all due respect to the Board of Conciliation and Arbitration, we still believe the public tribunal best qualified to determine what is reasonable and just in disputes liable to arise between railroad officials and employees is the one making a business of studying railroad matters and originally investigating questions pertaining to the good of the service. This commission we refer to is the Inter-State Commerce Commission, and if ever such a policy as this should be adopted, it is doubtful if a more competent or as fair a commission could be appointed to inaugurate this policy as the present commission influenced to a greater or less degree by Commissioner Prouty of Vermont, whose friendliness toward railroad employees has been demonstrated in his every walk of life.

As trade agreements are made through representatives, frequent disputes arise as to the true interpretation of these contracts, and as a result, in many cases a "walking delegate," "business agent" or a "salaried chairman" is employed, with more or less satisfactory results to all parties concerned.

Our purpose is to have the "walking delegate," or "salaried chairman," the inspectors of the railroad commissions, and make the commissioners a party to the contract, in which case, care should be taken in their appointment.

CHAPTER XIV.

RAILROAD COMMISSION AND THE CIVIL SERVICE.

The Massachusetts law relative to the appointment of railroad commissioners states there shall be a board of railroad commissioners, consisting of three competent persons. A rule has been established appointing to this board a lawyer, a business man, and a railroad man. No logical reason can be given for such a rule or for its continuance.

It is difficult to conceive of a question coming before the railroad commission involving other than railroading or law. Therefore it seems fair to ask that the selection of members for this commission be made from these two occupations—two lawyers and one railroad man, or two railroad men and one lawyer.

The lawyer should possess the qualifications necessary for a judge of the Supreme Court.

The term railroad man is generally held to include all persons actually engaged in any capacity in train operation or train service of any description; yet we all know from personal knowledge that every man who sits upon the piazza of a boat club cannot sail a yacht.

Upon this account we drafted and presented to the legislature a petition embodied in House Bill 569:

Commonwealth of Massachusetts.

In the year One Thousand Nine Hundred and Four.

An Act

Relative to the Membership of Board of Railroad Commissioners and to the Appointment of Railroad and Railway Inspectors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. One member of the Board of Railroad Commissioners shall always be a person who has had practical experience in railroad business; and after the first day of January in the year nineteen hundred and seven any vacancy occurring in the board by the death, resignation or removal, or expiration of the term of the member thus qualified, shall be filled, if he is not reappointed, by the appointment of one of the railroad and railway inspectors then in office under the provisions of Section 8 of Chapter III, of the Revised Laws.

Section 2. Railroad and railway inspectors whose appointment is provided for by Section 8 of Chapter III of the Revised Laws shall hereafter be appointed through the civil service commission, subject to the civil service regulations and examinations.

Section 3. This act shall take effect upon its passage.

As a precedent for asking for such legislation we find that Section 1 of Chapter 67 of the Revised Laws provides for the appointment by the Governor of a Board of Harbor Commissioners. These commissioners have the appointment of pilots for waters within their jurisdiction. All persons to be eligible for appointment as either commissioner or pilot, must first receive the recommendation of the Boston Marine Society.

The purposes of this provision are clearly obvious, and if worthy for marine transportation, is it unfair to ask that the same precaution be taken in making appointments for similar positions in connection with railroad transportation? House Bill 569 is drafted upon the principle embodied in Chapter 67, substituting for any railroad society that might be mentioned the Civil Service Commission.

Copies of House Bill 569 were circulated amongst the railroad men in general, and at the meetings of the engineers the purposes and provisions of the bill were fully discussed.

Later, at a meeting held in Boston, at which were present representatives of the Brotherhood of Locomotive Engineers from all parts of the state, and organized as the legislative board, this bill (569) was unanimously endorsed, and it was "voted that the Brotherhood of Locomotive Engineers of Massachusetts be recorded at the state house as in its favor."

The Civil Service Commission was selected for the reason that it was considered to be the purpose for which the board was organized, and paid. It passes upon the qualifications of every other appointee of the Railroad Commissioners, except the inspectors. Should any man question the ability of the Civil Service Commission to prepare an examination from which they could select practical men, qualified to act as railroad inspectors, one simple suggestion would be to offer the annual reports of the Railroad Commissioners with their very nicely compiled statistics of the fatal accidents occurring year after year in the same old way, and ask these aspirants to make recommendations tending to avoid them.

Any reasons advanced as to why the inspectors of the Railroad Commission should be exempted from being classified in the Civil Service would apply equally well to every other situation at present classified by that commission. If the Civil Service is a failure, why maintain it?

We will agree, to avoid argument, that the Civil Service does not in all cases insure the selection of the most competent men for office, but we have reason to believe that this is one of the least causes for the failure of the passage of this bill, and that quite the opposite is more likely to be true. Unquestionably the prestige of many a politician is owing to his ability to place constituents in lucrative positions regardless of their qualifications, and naturally they look with disfavor upon any reform that may tend to curtail their opportunities to curry favor by such practices. It is not to be taken for granted that politicians are the only persons

who bar the advancement of the most worthy. Oftentimes the fact of a membership in fraternal orders is used to obtain an advantage at the expense, in many cases, of more worthy though less fortunate persons, and as a consequence many are forced to associate themselves with these orders as a matter of self protection.

Such a condition of affairs is to be deplored, and is in direct opposition to our form of popular government.

The result of a continuation of such a policy may be seen today in the domestic disintegration of the Chinese Empire. Should we be obliged to admit that no better men would be selected for inspectors provided the office was classified upon the Civil Service list we should by no means lose the only reason for asking for this legislation. According to law and by the rules of the Commission all persons in office at the time the office is classified go upon the list as competent employees, and cannot be removed from office without a trial. This in itself is a great boon, for indeed he is unsophisticated who does not believe that, with the influence of the corporations upon "the powers that be," an inspector, diligent in the performance of his duties, would soon prove himself a "persona non grata," and coming up again for re-appointment, he would be likely to fall by the wayside should he persist in such a course, but fortified by the fact that he has demonstrated his ability for the position, and appreciating still further the fact that he is to hold the office for an indefinite period if faithful to his trust, we reasonably might expect the best results.

Moreover, inspectors receiving their appointment upon merit, demonstrated in a competitive trial open to all aspirants, qualified by practical experience in the active service of railroading, would certainly hold a moral influence over all railroad men with whom they would come in contact. These inspectors should be made defendants in all accident cases, and be given to understand that the public

expects of them a service higher than writing accounts of coroners' inquests attended.

The causes of accidents are many times miles away from the scene of the same. Engineers are frequently obliged to go out on their trains with engines unfit for service, and attentions that should be devoted wholly to the signals along the route, and to matters pertaining to the safety of the train, are diverted by defective machinery. Suspension has been made for a refusal upon the part of the engineer to start with an engine, in his opinion unfit for service. There should not be a man upon the inspector's staff of the railroad commission that is not qualified to act as an expert in such cases. Many such engines are in the service, and it was the hope that through the influence of the railroad commission the evil could be remedied, that we petitioned this board for closer relations between the inspectors and the engineers. Explain to these inspectors that recurrences of accidents and unsatisfactory service upon the railroads, without recommendations that will correct the same, will in the future be taken as prima facie evidence of incompetency upon their part to properly perform the duties of their office, and we believe it would have a most salutary effect upon the railroad service. The railroad employees could be given to understand that they are working for the public, and that these inspectors are paid to see that the rights of the public are protected. This is the only argument in the least effective that could be used.

It is quite impossible without patronage or money for the representative of an organization of mechanics to influence legislation against such conditions as exist and instead of attempting to do so we request each engineer to make a friendly call upon his respective Representative or Senator, and hold a heart to heart talk with him. Each member of the Brotherhood through the medium of circular or personal letters, receives information relative to all matters

pending before the Legislature affecting our interests as railroad men.

Should it be deemed expedient to present our opinions to a legislative committee a stenographic report is taken of whatever is said, and at the end of each Legislative session a general report is printed for each member of the Brotherhood showing the work of the legislative board for the year. This affords each man an opportunity to discuss with his neighbors, who should be interested in all matters affecting public service corporations, any measure that may be beneficial or injurious to these corporations or their employees.

By the adoption of this policy the engineers are not required to make sacrifice of either time or comfort, and a mere bagatelle pays all the expenses of the legislative board. This practice of publicity adopted by the legislative board is most effectual and brings the best of results; practically the same conditions apply to all other committees of the Brotherhood of Locomotive Engineers in their dealings with the officials of the railroads, and we believe the policy of the legislative board might well be applied by them. The practice has a tendency to create amongst the men a livelier interest than otherwise might be had. It removes from the representatives all temptations to be a "good fellow" for a grafter or a stool pigeon for a lobbyist of the corporation.

Engineers when not obliged to work dislike to give up their Sundays, the only day they may have with their family, and the result is that like the services in many of our churches our meetings are but thinly attended. An engineer should be permitted to spend such of his time as is not required of him in the service of the railroad to the enjoyment of his home or the quiet of the fields, for the recuperation of his nerves in the relaxation from all care. The time spent at the meetings could be devoted to

matters pertaining to the good of the order and encouragement of a more fraternal spirit amongst the members.

Railroading and politics go hand in hand. Men are elected to Congress or the Senate through the influence of certain interests they are expected to serve. The question of their ability as statesmen is of minor importance.

One of the least essentials of a successful railroad president is his knowledge of practical railroading. He is expected to shape public opinion and legislation, and work for the interests of that particular clique of stockholders whose agent he is.

We believe the man from the trench that has the facts, although he may not have as polished a delivery as the more highly paid representative of the corporation, from the fact he knows by actual experience what he is talking about he carries more influence with the general public and the average legislator than the professional lobbyist can carry. To support this opinion will say.

A bill was introduced into the Dominion Parliament relative to an eyesight test for locomotive engineers. It was an unjust piece of legislation, and if enacted would work hardship upon the engineers. It was in keeping with that wave of reform that passed over the country, that placed a man of over 45 years of age as *passé*.

The railroads were reported as backing the measure and political influence was brought into play.

The lobbyist at Ottawa who is employed to protect the interests of the engineers as well as those of the other railroad employees, reported there was no hope of preventing this bill from becoming a law.

About this time Sir Wilifred Laurier came to Montreal.

One of our engineers conceived the idea of presenting to him our opinion of the injustice of this proposed legislation and its injurious effect should it become law.

Calling at the Winsor Hotel, Mark Cunningham, locomotive engineer, Canadian Pacific Railway, sent his card to Sir Wilifred Laurier, Premier of Canada. Word was received that the Premier of Canada would see the locomotive engineer.

Mr. Cunningham was in a position to explain that in the past young men were induced to enter the motive power department of our railroads by the prospect of opportunities it afforded them for advancement. While climbing this ladder of promotion, these men are subjected to the greatest of strain upon their eyes. For years while serving their apprenticeship as firemen they at one moment are obliged to face the bright glare of the firebox, with its intense heat, while the next they are facing the cold wind of a winter's night, striving to accustom their eyes to the changed conditions that they may discern the light upon a signal they are approaching. Long hours of constant employment naturally bring great strain to these organs of vision. After from five to eight years of this kind of employment promotion may come to assume the duties of an engineer. But the new position with its added responsibilities, brings greater strain upon his eyes. If he would keep his place in the world the engineer must read books and papers, and as a consequence his sight begins to fail. His eyes are still sound and practically perfect, and were he permitted to wear glasses his eyesight could be preserved for years. Where are you going to find the right kind of men to fill these positions if they can expect to hold them but a few of the best years of their lives, and then be thrown out with nothing but an experience that is of no earthly value to them in any other walk of life? These same men who are pushing this fad to discharge 50 per cent of perhaps the best men in the service, will rush their automobiles through crowded thoroughfares, wearing goggles and glasses galore. No engineer asks that

men with poor eyesight be retained in the service, but when you test these men give them a fair chance. In examining engineers, all examinations for detecting color perception and ascertaining the visual power should be conducted with such flags, lights and semaphore signals only as are in use on the system, and all examinations should be made under the same circumstances as required in the actual operation of the road.

Furnished with such reasoning as this, the Premier stated he would consult with his cabinet.

The eyesight test was not enacted as law.

What is the answer? When our legislators are honorable men, it is the man who knows by actual experience what he talks about, that they desire to see, and not the professional lobbyist.

It must not be taken for granted all legislators are taken from this class of men.

The same legislature that refused to pass H. bill 569, likely to raise the efficiency of the Railroad Commission, later by their action upon another petition, practically passed what could only be accepted as a vote of want of confidence in this same Commission.. The "brakeman's bill" was amended in the Senate to authorize the Railroad Commission to assign additional brakemen to freight trains, at the discretion of the Board. The House of Representatives in turn refused to concur with the Senate and substituted the original bill, regulating by law the number of men to be employed. Surely a commission for the support of which the public pay through the railroads more than \$50,000 a year should be qualified to decide how many men should be employed upon a freight train. If they are not so qualified, men should be appointed to the office who are. However, in justice to all parties concerned, it must be said it is only the unsophisticated that take the Massachusetts Legislature seriously. Probably as useful a session as any is the one,

with a band of street musicians playing popular airs for the amusement of the members, the gavel in the hands of the leading comedian of the House, while another Representative performing slightly exaggerated duties of the Sergeant of Arms, shows the distinguishing features between the ordinary sessions and this, the mock session of the Massachusetts Legislature—while for a fact it might well be written, the Legislature as it is. This is the closing act in the drama, "The Leg Pullers," written by one who has been there.

To more clearly establish the identity of this author, it can be said without fear of contradiction, that, as a lawyer, a scholar, and an orator he is easily the peer of any member of the Legislature, in the Senate branch of which he holds a seat (1905). To all persons interested in politics as it is applied, we earnestly commend this work. While the original actors have been replaced by others to all intents and purposes the same characters are found in the cast today. The fearlessness of the writer may be judged from the beginning of the first chapter which he begins by saying in introducing a type of character styled "a business legislator" such a person as is familiarly spoken of today by the more comprehensive name of the grafter.

"Everywhere is bustle and excitement; yet order and red tape prevail. Men are elbowing their way through the crowded corridors, and up the narrow stairways. Blue-coated brass buttoned messengers are hurrying hither and thither, their arms filled with documents and manuals, answering inquiries, giving directions. Officers brandish their long wands and usher committees to their duties. In the galleries is the rustle of ladies' dresses; the conversation of spectators is in the hallways. Committees are announcing that they have attended to their duties, and that His Excellency was pleased to learn this, and congratulated the bodies on having done that, etc., etc. The impress of some great undertaking is stamped on all things.

It is the annual Puritanical farce, the assembling of the General Court of the ancient Commonwealth of Massachusetts—the hodge-podge of legalized blackmail which masquerades under the cloak of representative popular government. Here for six months will those two hundred and eighty chosen men sit, explaining to each other what is apparent and concealing what is obscure, and so compile a thousand paged volume of formal verbiage that shall saddle every occupation, trade and employment with destructive conditions and restrictions unless, forsooth, smart money be paid not to do so. The Arab sheik exacting from the traveller in his dominion a fee for protection from his own robbers, stands in no lower grade. If it is true what Napoleon said of the church, that it was an institution designed to prevent the poor from robbing the rich, we shall see it is equally true that popular government is a cunningly devised scheme whereby with impunity the shiftless may successfully blackmail the thrifty.”

CHAPTER XV.

FRICTION AND ITS CAUSE.

Faith in railroad officials is a thing of the past, and if there is a railroad employee in the state of Massachusetts who believes that the officials appreciate or care for the interest taken by him in the business, we believe that fact in itself would qualify that employee, in the opinion of his associates, as a fit subject for a home for the feeble-minded.

This is an unfortunate state of affairs, and hardly warranted by facts.

What the railroad official is willing to do to fulfill an agreement was recently exemplified by Chas. S. Mellen, President of the New York, New Haven and Hartford Railroad.

Some years ago the engineers of this railroad in making a trade agreement with a former president, secured the insertion in this agreement of an article specifying that in all instances wherein the ruling of any official should jeopardize the interests of an engineer this engineer should have the right of appeal, and upon this appeal he could be represented by other engineers to advocate his cause. We contended, rightly we believe, that all decisions made by railroad officials act as precedents upon which, in most cases, future decisions will be based, and it is therefore to our interests, and we believe within our right to say that the representatives of these men should be selected from among their associates who from actual experience might reasonably be expected to act more intelligently in protecting not only the rights of the individual directly affected, but of such others as at some future time might be similarly involved. This clause of the agreement was perfectly satisfactory to all parties con-

cerned, and the subordinate official consented to meet a committee of firemen acting as counsel for an engineer. This violation of the agreement was protested by the engineers, and the action of the minor official was discountenanced by the higher authorities.

For some time friction between the representatives of the engineers and of the firemen had been brewing, and now took on definite shape.

A demand was made upon the officials of the railroad to receive representative firemen as counsel for such engineers as retained their membership in the firemen's organization.

President Mellen sent for the engineers and asked them to fix it up, rightly contending it was unfair to the interests he represented to involve them in this dispute.

The engineers wired a statement of affairs to the Grand Office of the Brotherhood and asked for advice on the case. Immediately the reply came back by wire—offer arbitration. The offer of arbitration was made to the firemen and refused. The engineers thereupon withdrew from further negotiations.

In the meantime the representative of the firemen claimed to have in his possession a letter from the President's predecessor, the late Judge Hall, wherein Judge Hall had agreed to concede to the firemen this privilege they desired to obtain.

The engineers doubted the existence of any such a letter, and believed that this claim was made to give President Mellen something to hang his hat on should he agree to their terms.

Secretaries and stenographers were put to work upon notes and letter files to find a record of this letter said to have

been received, but no record could be found. Then the original claim was qualified to the extent that it was a verbal, not a written promise that Judge Hall made. President Mellen refused to break the agreement with the engineers as he understood this agreement to be.

A strike was threatened by the firemen, and the New Haven Railroad spent thousands of dollars preparing for an issue should one come, demonstrating that an agreement made between the President of the railroad and the employees is a contract not to be ignored.

The engineers were perfectly well aware that there was a nigger in the firemen's wood pile, the real purpose was to use President Mellen and the New Haven Railroad as a wedge that later might be driven upon other railroads to split the Brotherhood of Locomotive Engineers.

The primal cause of discontent is owing to the fact that the supreme court or the throne is too far removed from the actual scene of operation. The result is the ordinary worker, the small fraction, feels his efforts are not appreciated, and he generally has good ground for his opinions.

The cause of this feeling is easily to be accounted for and may be instanced by such as the following case.

The destination of a certain train was changed and the engineer, acting within his rights of seniority, moved to the train of a younger man. Were he capable of filling the position all would have been well, but owing to delays caused by his inefficiency to perform the work upon this train in the manner of his predecessor, he was enabled to charge and received an hour's extra pay for himself and fireman, which was paid for some time. Finally to avoid this extra expense the officials required another engineer to perform a part of the work of the incompetent, permitting him to

go home earlier upon an easier train, thereby placing a premium upon inferior work.

It is such work as this upon the part of the railroad officials that lead men who have performed faithful service to believe the officials don't care whether they take an interest or not.

CHAPTER XVI.

EMPLOYERS' LIABILITY RELATIVE TO INJURIES UPON RAILROADS.

Eminent sociologists claim that an agreement settling the question of wages and number of hours of employment should remove all possible cause of contention between employer and employee.

Generally speaking it does, but of recent years another point of variance has been established upon the railroad systems of Massachusetts; viz: recompense for personal injuries received by railroad employees in the course of their employment.

This bone of contention came with the absorption of our local Massachusetts railroad companies by foreign corporations. That this change is not accepted as an exemplary business policy, is shown by the fact that one remaining Massachusetts company still continues what was the former policy of all of our railroads and treats with their employees in a manner eminently fair.

With the coming of the foreign corporations the policy was established, of taking to the courts all cases in which the liability is not fully established to the entire satisfaction of the legal department of the railroad. This policy must entail a great expense, and more or less unsatisfactory results; although they have in many ways, a great advantage in the law suits. Many times they lose even though they win.

Among these advantages, is the opportunity of the railroad to collect all possible information, and prepare expert testimony in rebuttal of evidence submitted by the plaintiff. To counteract this influence an act was introduced in the Legislature of Massachusetts.

Relative to Injuries upon or about Railroads or Railways.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

"Whenever upon any railroad or railway any part of any car or locomotive, or of any propelling or drawing engine, machine or appliance, used on or in connection with such railroad or railway, or any pin, link, coupler or attachment used on, about or in connection with any car, engine or machine on such railroad or railway, breaks, gives way, comes off or fails to operate properly, such fact shall, in any action to recover for an injury or death, or both, caused thereby, be deemed *prima facie* evidence of the negligence of the person, persons or corporation owning, managing, controlling or operating said railroad or railway."

This bill was favored by the engineers in the hopes of framing into a law what is at the present time the practice, as a rule, of one of the railroad systems, and could prove no trouble to this corporation.

We would like to have such a law as this enacted, to provide a fairer chance in the courts when forced to look there for justice and also from the principle as espoused by President Roosevelt that it will tend to make corporations guard more closely against accidents to employees, realizing that said corporations are to be held responsible for damages for the injuries received by these employees.

Probably the strongest suit these railroad companies play in cases of injuries to employees is the suit of intimidation. It is an indisputable fact that an employee bringing action in the Courts to recover for personal injuries is considered by the railroad company as desiring to sever his connection with that corporation. In case his injuries do not prevent him from seeking employment upon some other railroad, and he makes an application for employment, he must face the

significant fact of being obliged to answer whether or not he ever appeared in a law suit against a railroad company.

All this, notwithstanding the fact; Chap. 106, Sec. 11,

Revised Laws, states: "No person shall by intimidation or force prevent or seek to prevent a person from entering into or continuing in the employment of any person or corporation."

We met with very little success, very little assistance in our effort to enact the law in reference to injuries, and we offered to compromise with the representatives of the railroads and recommended to our associates, that the question of settlement of damages for personal injuries, if a satisfactory agreement for such a course be arrived at with the railroads that these matters be settled as are other differences, viz: referred to committee for adjustment.

This policy is quite in line with the custom in vogue upon the Boston and Maine, and is generally satisfactory to all, but it works only one way with our other railroads. Engineers incapacitated for service from effects of injuries received in the course of their employment, through no fault of theirs, attempting to settle with officials in accordance with our recommendation have received the information that the railroad pays their engineers sufficient wages for these employees to insure themselves against the risks of their employment.

The locomotive engineer as a mechanic is a specialist, and the knowledge which he possesses, qualifying him to be classed as a skilled tradesman, is of little, if any, practical value to him in any other occupation. Facing the fact, if obliged to bring action against the railroad under the provisions of the Employers' Liability Act, where the maximum amount possible to recover for personal injuries shall not exceed four thousand dollars, after deducting the expenses of trial and adding the loss of situation worth \$1,000 a year, remembering there is no pos-

sibility of being able to enter into like employment elsewhere, in the majority of cases it must be admitted he takes the wisest course when he submits to the injustice. There are instances wherein owing to the seriousness of the injuries, employees are left with no alternative other than recourse to the court. To cite an exemplary case—a fatal accident happened at South Braintree, September 29, 1904, and the *Braintree Observer* in reporting this accident said:

“At last reports Engineer Will Adams was living, and his fireman, Edward Cook, was the only fatality in the disaster to the Plymouth express, Boston bound, at South Braintree on Thursday shortly before 1 p. m.

It was miraculous that all the 100 passengers and trainmen should have escaped injury when the extent of the disaster became known, and there is mystery as to the cause.

Probably something broke for the engine was switched violently to the left, as if whirled on a pivot, and was projected in a direction directly opposite from that in which it had been running. Clean over a stone wall it flew and landed on its back in a tangle of underbrush. Ninety feet nearer South Weymouth than the engine its forward trucks finally brought up. Two hundred feet back of the engine, and laying by the side of the track, was the tender.

Meanwhile, the three cars that comprised the train proceeded on toward Boston for a distance of nearly 100 yards from the point at which detrailment occurred, and bumped along, right side up, until the air brakes brought them to a standstill with a jerk. The trucks of one car were wrenched askew, but otherwise the physical damage to the cars was confined to two broken windows.

Both of the engineer's legs were broken, and he was otherwise badly injured during the meteoric flight of his beloved machine, and the fireman's right leg was severed below the knee.

One of the best known railroad men on the New York, New Haven & Hartford railroad, says the *Herald*, was William H. Adams, sometimes known as "Wild Bill." This sobriquet was not the result of any dare-deviltry on his part, but because in his younger days he had been intrusted with the running of some of the fastest trains on the road, and because of his aureola of long, curly hair.

He was one of the old Old Colony men. For 34 years he had been connected with the system, the greater part of that period as engineer. For years he and Asa Porter ran the "boat train." He had also had fast runs to Newport and to Woods Hole, and was regarded as one of the road's best pilots. He was a native of Quincy, but of late years made his home in Mattapan.

Edward Cook, his fireman, was a young man, and the news of his death at the Massachusetts Hospital last night was received with especial regret by his railroad associates because of the fortitude he displayed while awaiting surgical assistance.

Railroad men will write down William H. Adams and Edward Cook as gritty members of a gritty craft. Although conscious the greater part of the time while they lay in the field and in the baggage car that transported them to Boston, they uttered no complaint. Indeed, as they writhed on the grass the one attempted to console and inspire the other."

The cause of this accident, as recorded in the office of the Board of Railroad Commissioners, was that the engine left the track while running at an estimated speed of thirty miles an hour upon a three degree curve.

Following the same line of reasoning it is possible to believe the death certificate of the fireman reads that the demise was owing to the fact his heart stopped beating.

The sequel to the accident as regards Mr. Adams, is that after repeated futile efforts upon his part to secure what we

believe to be his just due, the influence of the engineers was requested. After some days Mr. Adams received a kindly letter of sympathy from the officials of the railroad he had served the best years of his life, offering him *as a gratuity*, upon condition the railroad be released from all further liability, a sum of money insufficient to pay the expenses incurred for medical attendance.

Mr. Adams all these months confident the railroad would treat fairly with him made no attempt to protect his rights, and as a consequence of this misplaced confidence upon his part lost his right to recover in the Courts under the provisions of the Employers' Liability Act. The remaining rights in this case upon advice of the engineers have been placed in the hands of a prominent law firm. The former associates of Mr. Adams, acting upon the theory "you cannot indict a whole people," will render all possible assistance in the prosecution of this suit, each appreciating the fact it may be his misfortune to meet with a similar accident. If it is held as a matter of law we have no redress in such cases, why are we not justified in urging upon our representatives the enactment of the following amendment of the law relative to the liability of employers to employees.

"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION I. Section seventy-one of chapter one hundred and six of the Revised Laws is amended so as to read as follows:

SECTION 71. If a personal injury is caused to an employee, such employee or his legal representative shall, subject to the provisions of the eight following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work of the employer. A car implement, machine or other thing which is on the property of

any person or corporation shall be considered as the property of the person or corporation in any case arising under this act."

The argument advanced by the counsel for the railroads was that the original act, unsatisfactory in itself in the first place, has been amended to such a degree, its true meaning is difficult of interpretation.

CHAPTER XVII.

REVISING EMPLOYERS' LIABILITY ACT. ENGINEERS COMPENSATION PROPOSAL.

These lawyers advised a general revision of the Employers' Liability Act. This proposition was satisfactory to us, and we advocated the appointment of a commission for this purpose, who in their report state:

"The resolve creating this committee especially directs it to consider the liability of the employer for injuries received by the employee in the course of his employment, and the creation of a disability or pension fund by the joint contributions of employers and employees. The intimate connection of these two subjects is such that a comprehensive act pertaining to the whole relation of employers and employees when accidents or personal injuries occur must be taken into consideration."

Bearing these facts in mind we presented the following proposition to the committee as the fundamental principle upon which a law should be established.

This proposition was presented to the engineers, and the principle contained therein was endorsed as being acceptable to them.

ENGINEERS' COMPENSATION PROPOSAL.

"A man entering the employ of a railroad should understand that he is enlisting in the service of the public, under strict discipline to his immediate superior, and subject to call at all times to perform the duties of the public. Accepting these conditions, all must agree that the railroad employee is called upon to assume at times great risks, and, if occasion requires it, sacrifice his life itself for the lives and property entrusted to his care. There are many laws de-

fining the responsibility of the railroads and the amounts possible to recover in the case of injury. Owing to the complex nature of these laws, the results are in many cases most unsatisfactory for both parties. Facing these conditions the Brotherhood of Locomotive Engineers presents for consideration, to be mutually agreed upon by the railroad and the employee, this contract. A man entering the service of the railroad should be in possession of a sound body and mind; if required to do so, he should present a doctor's certificate guaranteeing that fact. It should devolve upon the railroads to ensure a continuance of these conditions by affording a reasonable number of hours for rest for the body and improvement of the mind.

In case of sickness, the railroad donates weekly a sum equal to one-third of the average weekly wage of said employee for the previous fifty-six weeks, or fraction thereof he may have been in the employ of the company. Such compensation shall not commence until the second week of illness, nor shall it exceed twenty-six weeks in any one year. In case of injury from any cause other than wilful intent, the sum equal to one-third the average wage shall be allowed until such time as injured person shall be able to perform his regular duties, or the total equal the aggregate of what the injured employee would have been able to receive had he not been injured, but had continued in employment for ensuing three years at said average wage.

Should the railroad find employment for said employee, allowance shall be made for same, and no deductions from former allowance until the sum of both equals former wage earned by employee.

In case of accidental death from any cause other than wilful intent, the weekly wages of deceased shall be paid to such persons as have been *dependent* upon said employee, and received in whole or in part weekly support; above allowance shall be paid for a period of three years. In cases

where persons have received no weekly allowance, such persons shall not be eligible to collect from the company on account of death of employee, but the company shall be liable for medical attendance and funeral expenses of said employee.

If after a term of 30 years' service upon one railroad or system of railroad, an employee is incapable of further service, he shall receive weekly from the railroad employing him one-third of the average weekly wage of the preceding 52 weeks.

The above contract shall be recorded with the Commissioner of Insurance, and in case of failure to agree upon terms of same, the contracting parties or their representatives shall submit the same to the decision of the Board of Railroad Commissioners, provided said Board shall be established upon a plan that shall command the respect of the public, the railroads, and their employees, and the decision of the Board shall be final and binding upon both parties.

The acceptance of this agreement shall have no weight as a condition of receiving or remaining in the employment of the company."

After careful consideration of a large number of specific bills relative to Employers' Liability, bills that offer "a basis for the fullest consideration of a subject which means much to the economic and vital interests of the people at large," the committee recommended as a benefit a bill which though it differs in some degree is based upon the principle of the British Workman's Compensation Act—the law by which our proposal was based.

It is doubtful if any man could elucidate in as clear or concise a manner the subject relative to the liability of employers to make compensation for personal injuries suffered by employees in their service, as has this committee, who state in their report.

CHAPTER XVIII.

REPORT OF SPECIAL COMMITTEE UPON EMPLOYERS' LIABILITY.

"The number of personal injury cases of all kinds in the community is very large, and is constantly increasing with the growth of population, the extension of industry and the development of means of transportation. The volume of litigation in this class of cases, not to mention those which are compromised before suits are instituted, is sufficiently large to engage almost the entire time of many sessions of courts and to demand from time to time the appointment of new judges, with accompanying increase in court expenses.

A much greater proportion of personal injury cases than ever before, in comparison with other cases, occupies the attention of trial courts. These cases, good and bad, encumber the court dockets and in various ways delay the progress of justice. It has been estimated that, of this large volume of personal injury cases, those particularly relating to employees constitute from one-eighth to one-seventh. The aim of the committee has been to deal exclusively with the subject of personal injuries to employees received in the course of their employment, and not with personal injuries suffered by citizens independently of their employment.

It is asserted by employers and those representing them that employees are often induced by unscrupulous persons to bring groundless actions against their employers, to rely upon manufactured evidence, and that the sympathies and prejudices of juries frequently favor the employees. It is further claimed that the injured employee, if after a long time he is successful in recovering damages, receives in the end but a small part of the amount so recovered, owing to

the expenses of litigation and the exorbitant and unreasonable charges of his lawyer and medical adviser.

On the other hand, it is urged in behalf of the injured employee that the employer, either himself or, if insured, through his representative, upon the happening of an accident at once sends agents to the place of accident, for the purpose of investigation and to secure evidence. The names of witnesses, together with their statements, are carefully preserved. The employee has no access to this evidence or the names of witnesses, and must prepare his case in the best way he can. It is also asserted that, as soon as the employee can be reached, he is approached by the claim agent of his employer, or by the claim agent of an employers' liability insurance company if his employer is insured, and urged to settle his claim for damages for a trifling amount. The employee is told that if he goes to law it will be a long time before he gets anything, and that the lawyers will get the larger share.

If a settlement is not made and a suit follows, a great waste of time and money results to both parties. The plaintiff may be compelled to pay his lawyer liberally, if he is successful; and the defendant may incur the expenses of claim agents, expert witnesses and lawyers, and also assume other expenses incidental to litigation, in addition to the verdict, if one should be rendered against him. It is true, indeed, that these expenses of the defendant are generally furnished by employers' liability insurance companies, when employers are insured by such companies against injuries to employees; but the loss is of course paid by the insured employers as a class, in the premiums received by the insurance companies. At all events, there is a great waste of money, so far as justice, and the rights of both employers and employees are concerned. The real beneficiaries frequently are not parties to the litigation, and oftentimes their selfish interests

are served by defeating justice or by the promotion of injustice. It is no part of the duty of this committee, nor is it our intention, to censure the conduct of any persons for this condition of things, which indeed may be the result of forces and influences beyond the control of individuals. It would seem, however, to be for the true interest of the community, as well as for the interest of the employer and the injured employee, that some adequate remedy or remedies should be devised to correct these evils.

Before suggesting remedies for the evils above referred to, it may be well briefly to review the law relating to personal injuries to employees as such. In doing so, it is convenient to refer to rights of employers and to rights of employees.

These rights may be described as common law rights and statutory rights. The common law rights are those which exist independently of any action of the legislature, and are, generally speaking, embodied in the decisions of judges rendered during a long period of time. The statutory rights are those contained in acts of the legislature.

Common Law Rights.—1. The employee upon entering the employ of another is supposed to understand and assume the danger and risk of the work he is expected to perform, provided he is of ordinary capacity and intelligence. This means, however, the ordinary dangers and risks of the employment, and does not mean unusual and extraordinary dangers, known, or which ought to have been known, by the employer and not known by the employee. If such unusual dangers exist, it is the duty of the employer to appraise the employee of their existence.

2. An employee has no remedy against his employer for personal injuries caused by the carelessness of a competent fellow workman. In other words, this is also a risk of employment assumed by the employee. (The Employers'

Liability Act, which will be referred to, modifies this rule in certain respects.)

3. An employer is bound to provide machinery, buildings, elevators, etc., ways and approaches that are reasonably safe. He is not bound to furnish machinery, etc., that are *perfectly* safe, but such as are modern and used in well-appointed establishments.

4. An employee cannot recover damages from his employer if injured by reason of a defect in machinery, etc., of which he was apprised. In certain cases, nevertheless, he may recover damages if he has repeatedly requested the employer to repair a defect and the employer fails or neglects to do so, especially after the latter has promised to make the repairs.

5. An employer is liable for an injury to an employee resulting from the carelessness of an incompetent, intemperate or reckless fellow workman, if the employer was aware of such incompetency, or might have known it by exercising reasonable diligence.

6. The injured employee, in order to recover damages, must in all cases prove that he himself was careful. In other words, he must show that he did not contribute to the accident.

7. It is improbable that an employee could recover in Massachusetts for injuries sustained while performing work of unusual danger, through fear of discharge, after being directed by his employer to do the work.

8. The employer, as said above, is legally bound to instruct one entering into his employment of exceptional and unusual dangers, known to him and not known to the employee. If the employee is young, inexperienced, or below the average person in intelligence, the employer is bound to give him still greater instruction.

9. At common law the legal representatives of an employee killed by the negligence of an employer can recover

no damages if such employee dies instantly. (This rule has been modified in the cases of railroad and street railway employees, and in cases arising under the Employers' Liability Act.)

Statutory Rights.—1. No employer, by virtue of a special contract with employees, can exempt himself from liability to such employees for injuries sustained by them on account of his negligence, and any such contract is null and void. (A corporation engaged in carrying passengers or in transporting freight cannot require a bond of an employee to indemnify it against loss or damage resulting from the negligence of such employee.)

2. The legal representatives of a railroad employee killed through the carelessness of the company, and not his own or that of a fellow workman of the same grade, may recover an amount against the company, not less than \$500 nor more than \$5,000, provided he would have been entitled to maintain an action for damages against such corporation if death had not resulted. But this action must be commenced within one year after the injury which caused the death.

3. An employee of a railroad, injured by any locomotive, car or train used contrary to provisions of the railroad laws, shall not be considered to have assumed the risk of such injuries against employers. Its principal provisions may be briefly summarized as follows:—

a. Employees may recover for any defect in the condition of the ways, works or machinery of the employer or of some one in his employ, whose duty it was to see that the same were in proper condition or properly repaired.

b. Employees may recover for the negligence of a superintendent, or of one acting as superintendent under the authority of the employer.

c. On railroads the company is liable to the employee injured through the negligence of a person having the charge of any signal, switch, locomotive, engine or train. In the

event of the death of the employee his legal representatives have the right to recover damages against the company. If death was not instantaneous, or was accompanied by conscious suffering, the widow, and if no widow, the next of kin, dependent upon the employee at his decease, may recover damages against the company. If there are two suits, one by the legal representatives and one by the widow or next of kin, the total amount recovered shall not exceed \$5,000, to be apportioned by the jury.

d. Employees themselves, suing under this act, can recover an amount not exceeding \$4,000.

e. In any case under this act resulting in death, which follows instantaneously or without conscious suffering, the amount recoverable is not less than \$500 and not more than \$5,000, to be assessed according to the degree of negligence of the employer or the negligence of the person for whose negligence he is made liable.

f. No suit under this act can be maintained unless a written notice of the time, place and cause of the injury is given to the employer within sixty days of such accident, and unless the suit is brought within one year from the accident. The time of giving the notice is extended, in case the employee is physically or mentally unable to give the notice within the required sixty days, to ten days, beyond the removal of such incapacity; and in the event of the death of the injured employee, to ten days beyond the appointment of his legal representative.

g. Employees working for sub-contractors upon the machinery, ways, works or plant of the employer have the same rights against the employer as have other employees.

h. Under this act an employee or his legal representatives cannot recover damages if he knew of the defect or negligence causing the injury, and failed within a reasonable time to notify his employer or some one in authority of such defect or negligence.

i. An employer who has contributed to certain insurance funds for the benefit of injured employees may prove, in mitigation of damages recoverable by an injured employee under this act, the proportion contributed by him to the benefit received by such employee.

j. The Employers' Liability Act does not apply to injuries caused to domestic servants or farm laborers by fellow employees.

It may truthfully be asserted that neither employers nor employees are satisfied with the present law pertaining to personal injuries to employees. The employers, on the one hand, claim that the tendency of juries is to increase their burdens by awarding liberal verdicts against them; that laws are being passed more and more favorable to employees; and that there is a growing inclination of injured employees, either through their own indifference to friendly relations with their employers or through the influence of others, to institute legal proceedings against their employers for damages.

On the other hand, some employees contend that under the present conditions injured employees do not receive substantial justice, or a fair and certain compensation for their injuries. It is also asserted that they are denied speedy trials in the courts, owing to the crowded dockets; that they are forced to fight, not their employers, but unsympathetic employers' liability insurance companies, with their corps of claim agents, experts and attorneys, which only tends to separate employer and employee, and discourage amicable relations between them, which should rather be fostered and developed.

As to the intrinsic merits of the several propositions relating to the amendment of the present Employers' Liability Act, we are unable to agree; but in view of the general act which we shall recommend, we believe it inexpedient at the present time to amend the Employers' Liability Act.

Workmen's compensation acts, so called, have in different forms been enacted in several foreign countries, notably in Germany, Austria, Norway, Finland, Great Britain, Denmark, Holland, Sweden, Italy, France, Spain, New Zealand and South Australia. We are not aware, however, that any such act has been passed or been contemplated in any of the United States.

Space will not permit an exhaustive examination and review of these foreign acts. In general, it may be observed that they are intended to afford injured employees a more certain, even if more moderate compensation for accidents than is sometimes obtained under proceedings in court. If we should compare the amounts received by a large number of employees under compensation acts with the amounts recovered by them in actions at law after deducting all expenses, it is probable that we should find little difference between such amounts.

The best known of these acts is the British Workmen's Compensation Act of 1897, passed after long discussion. The facts relative to this act, its influence and results, have been especially reported for this committee by Mr. A. Maurice Low. His report is printed in Appendix No. 10, together with the British Workmen's Compensation Act.

The object underlying all such acts, whether in Great Britain or in other countries, is to remove in a measure, and so far as safety will warrant, the economic insecurity of employees, on the theory that, where a man receives injury, while in the course of his employment, society should recoup him in some measure without resorting to charity; that a man working in any dangerous occupation, or in any occupation, as to that matter, is really doing a service to the public; he is enabling the public to prosper through industrial conditions, and therefore the public owes him something should he meet with disaster; that capital recoups itself for losses by charging off a certain percentage every year for de-

terioration of plant; that the working man has no means of charging off his deterioration of muscle and skill through the accidents incident to production, and that he ought, in all justice, to have such deterioration compensated in some reasonable way by society itself; that, as the deterioration of plant is paid for by being added to the cost of production, the deterioration of the man should also be added to the cost of production. The theory is, also,—and this has determined the acts of foreign countries in this respect,—society ultimately pays all such costs through consumption.

The question before this committee is, how to establish a system, so far as accidents are concerned, which shall be fair to the employee suffering injury, and to the employer who in the first instance has to pay for such injury.

Under the proposed compensation act, the troublesome questions of assumption of risk, both in relation to defective ways, works and machinery, and the carelessness of fellow employees, are eliminated. In fine, there is no doubtful question of liability to be determined; that is entirely removed. The only questions arising under the act are, Has the employee sustained an injury in his employment, and, if so, to what is he entitled? The sum to which he is entitled depends upon the seriousness and nature of his injury, and the amount of his earnings. If he is killed, his dependents, if any, would receive an amount approximately equal to his aggregate wages for three years. In the event of his total or partial incapacity to work, as a result of the accident, he would be paid a weekly payment, not to exceed fifty per cent. of his earnings, for a period during such incapacity not to exceed a term of four years. Provision is also made in case there are no dependents or next of kin for paying the reasonable expenses of the last sickness and burial of the deceased employee.

All questions of dispute between employers and employees arising under the act are settled by a committee equally rep-

representing both parties, or by an arbitrator appointed by agreement between them, or by a referee appointed by a justice of the superior court in cases of disagreement. There is no appeal on questions of fact, but questions of law may be reserved and passed upon by the supreme judicial court.

The act which the committee has prepared differs in some degree from the British Workmen's Compensation Act,—the one with which we are most familiar. It is to be hoped that the changes which we have seen fit to make in that act will be deemed to be salutary, and more in conformity with local laws and conditions.

While we are unanimously of opinion that the Employers' Liability Act and the Compensation Act should not permanently coexist as to the same establishments, we are divided on the question whether the Liability Act should continue in force temporarily as to such establishments as are covered by the Compensation Act until the latter shall have been tested by actual experience. We believe that in any event the injured employee should always have the option of recovery at common law in the event of gross negligence on the part of the employer. Section 3 of the accompanying bill must be taken, therefore, as subject to the question of the Liability Act, as above discussed.

The question as to whether the employee should, prior to an accident, make an election of the remedy to which he would resort, has been thoroughly considered, but no practical method of making such election has been suggested to or ascertained by the committee. Under section 3 of the bill we recommend that the injured employee may, at his option, either claim compensation under it or proceed against his employer as though the act had not been passed, but shall be bound by whatever proceedings he first institutes against his employer. Should the employee be compelled to make an election as to which method he would adopt prior to any accident, to make such election effective he would have to

file with his employer notice of such election, or file in some public office notice of such election, or make his election in duplicate, keeping one copy himself. Massachusetts is an industrial State, and the large number of persons employed who would be covered by any employers' liability law would render any such election nugatory. The shifting of employees, their migration from one employer to another, their employment for a brief time,—all these matters offer obstacles which cannot well be overcome, or sufficiently overcome to warrant any provision compelling a prior election of the manner in which an employee shall proceed to recover damages for injuries incurred."

In a report made by A. Maurice Low, Oct. 8, 1903, of the operation of the Workmen's Compensation Act the following language is used:

"The railways of the United Kingdom are required by law to make certain returns to the Board of Trade relating to their income and expenditure. These returns show the cost to the railway companies of the kingdom for compensation to their employees. Since the passage of the Workmen's Compensation Act the companies have kept a separate account of compensation to employees, by which it appears that in 1899 the cost of compensation amounted to £118,849, in 1900 to £146,027, and in 1901 to £153,928; equivalent per train mile to .07*d.* in 1899 and .09*d.* in 1900 and 1901."

CHAPTER XVII.

CONCLUSION.

An act was drawn by the Commission consistent with the opinions as written in their report, but the representatives of certain industries protested against the enactment of the proposed law upon the ground that it placed at a disadvantage the manufactures of Massachusetts in comparison with those of other states.

It is obvious that a bill drawn to meet all conditions of employment in the various industries included within the provisions of this act; and exacting the same conditions from a small as from a large manufacturer or contractor, and radically changing the settlement of the employers' liability, would, to say the least, require serious consideration by the representatives of the interests affected.

An adverse report was returned upon this bill by two legislative committees to whom it was assigned for consideration, and the work of the Commission went for naught. The arguments used against the proposition could in the main, hardly apply to railroads, and there are many reasons why it would appeal to them and their employees more than to any other industry.

To take the money now paid for liability and charged to court expenses, etc., and arrange a plan by which this amount of money may be divided amongst the injured employees or those who are left without support, appears to be a sane and fair business proposition. We believe this would have been accomplished had the recommendation of the Commission been adopted.

But where could we find the proper person to arrange this plan? The man who could successfully bring this scheme into practice must be a man of influence and no or-

dinary student of political economy. This work would require the sacrifice of time and money, with no possible chance of reward other than the personal satisfaction of having accomplished a public benefit. We needed the influence of such a man as Hon. Nathan Mathews, Jr., and Mr. Mathews kindly consented to assist us. He suggested that we enlist if possible Roger S. Warner, Esq., who had once worked with him collecting data and making up statistics upon this subject. We found Mr. Warner in a receptive mood, and after a few minutes of meditation, as though weighing the task we asked him to assume, he consented to take it up and has faithfully and conscientiously labored to obtain the desired result.

By the terms of the Workingmen's Compensation Act as drawn by the Labor Commission, the employees had an opportunity to elect whether they would accept the benefits of the Compensation Act or proceed under the law. Although no argument was offered by any representative of either of the railroads to show upon just what ground their opposition was based, it was reported their objection was owing to the fact the employees had this chance of testing the new plan before surrendering such rights as they may hold at present.

That we should insist upon this condition seems to be fair, because of the fact that by the new arrangement the employees might reasonably expect better results than from the old regime. Willingness upon the part of the employer to offer this choice would be a guarantee of good faith upon his part while a refusal to accept these conditions by the railroads might cast a doubt upon the efficacy of the scheme.

A fresh impetus is added to the wave of discontent by each succeeding subscription paper calling upon the employees to contribute to the aid of some unfortunate associate for whom many believe the corporation should pro-

vide. To many it brings up the thoughts of their loved ones, for ours is a hazardous calling, and any of us may be the next. The people as a whole cannot shake their responsibility for existing conditions. The remedy rests entirely in the hands of the public who, should they so decide, can enact just and adequate laws.

Railroad officials, and corporation lawyers when addressing juries in damage suits, never fail to point to the fact that the public must pay the bills, therefore the representatives of the railroads have no cause for complaint if the people pass liberal laws to protect our loved ones should accident happen to us. If such could be enacted there would be some possibility of a friendly settlement of many of these disputed matters. The railroads argue against the adoption of such legislation upon the ground that it may tend to increase litigation. They will show what a comparatively few cases are at the present time brought to the courts by their employees. They will attempt to draw the deduction from this, reasoning that there is little cause for complaint at the present time. The answer to this contention is very simple, inasmuch as there is at present but small chance of recovery for damages, the employees accept the inevitable and submit to the injustice. To disabuse the mind of any person who may have any doubts upon this subject we will refer as a fair sample to the Adams case. It was a year ago the 28th day of last September this accident happened, in consequence of which Mr. William H. Adams is to-day a patient of the Massachusetts General Hospital, taxing to the utmost the skill of the best surgeons of this widely known institution.

Had this engineer been a passenger there could be no question as to the corporation's liability. But owing to the fact he was a servant of the public, the duty rests upon him, as we understand the law, to prove the exact cause, and the company's negligence, in order to recover damages.

Inasmuch as these locomotives are expected to remain upon the rails, the fact of the engine leaving the track should be taken as *prima facie* evidence of the negligence of the company.

Provided we accept the Railroad Commission's opinion, every one must admit that this accident occurred from causes beyond the engineer's control, yet the railroad disclaims all responsibility for the accident resting on the belief the engineer will be unable to prove the exact cause of the wreck.

While the Railroad Commission was willing to accept and place on file that the accident was due to the engine leaving the track; the railroad corporation will assume no liability for damages under these circumstances, and insist upon having presented the specific cause of the engine leaving the track and proof furnished of the company's negligence for the same. It is very evident that the railroad is more particular about such things than is the Railroad Commission, but the law firm of Vahey, Innis and Mansfield may be able to tell the Court some things about this accident the Railroad Commissioners don't know, or knowing, may wish to conceal.

There should be enacted in the statutes of Massachusetts such a law as is embodied in Sec. 4, Chap. 187, Rhode Island, General Laws.

"The Railroad Commissioner shall without charge, upon request therefor in writing, furnish any person injured or the friends of any person killed, any information he shall have obtained in relation to the manner by which such person was killed or injured with the names of the persons from whom the information was obtained."

Should it appear from investigations that the Railroad Commissioners failed to furnish such information as might reasonably have been expected, Commissioners should be appointed who will comply with the law.

The defence of the corporation in the Adams case will probably be based largely upon the assumption of risks by the employee. If such a broad interpretation is given to this ruling or opinion are we not justified in asking that assumption of risks be a matter of fact and not a matter of law?

Is it reasonable to suppose that the corporation adopting such practices is able to retain the good will of their employees? As employees of the railroad we are frequently reminded of the fact that we are "servants of the public." Is this the treatment the public wishes to have exercised toward its employees?

In the newspapers we read where railroads contribute generously to the aid of sufferers from catastrophies occurring in industries other than theirs. We are all pleased to see these exhibitions of sympathy. But is the treatment of this maimed and crippled employee consistent with the widely heralded philanthropy of these railroad corporations?

We hear much about the large sums paid as pensions. Will some one mention a case in which the granting of a pension is more justifiable than in Adams' case?

Under the most trying circumstances, more than 34 years of faithful service, at wages which averaged 50 per cent. less than is paid for the same work to-day, is the record William H. Adams holds.

Upon the part of the railroad, serene indifference is most apparent as to the future of this faithful employee.

"Five hundred dollars as a gratuity" provided the railroad was released from all further liability, this was the offer the railroad company made. Almost any man under the stress of adverse circumstances will accept a favor from a friend. But to a man of Mr. Adams's temperament, in whose veins flows the blood of America's ablest statesmen and bravest patriots, the blood of Samuel and John Quincy

Adams, a gratuity coupled with such conditions could receive but one reply.

What explanation do the railroad officials give for such cold blooded policies? We have been informed they are not justified in giving away the stockholders' money, however worthy the cause may be. As showing how fallacious this excuse is we will mention the case of a member of the board of directors, holding the office of Vice President, and having charge of traffic and operation. Because of unsatisfactory service his "resignation" was accepted by his fellow directors, who voted him a year's salary of 25,000 of the stockholders' dollars which the director is spending in Europe, while Mr. Adams is cared for by friends.

The high officials are wont to speak of themselves as our fellow employees. Is this not an unjust discrimination these directors make between fellow employees? We have never asked for anything as munificent as this. What we desired and what we still think would be satisfactory, is a plan whereby the cost of liability of the railroads accruing from personal injuries to their employees could be arranged to go to the injured direct.

It was to obtain this result we asked Mr. Mathews to help us.

We were ever at the call of Mr. Warner, and in writing the officials of the railroads he informed these gentlemen he held what he was pleased to call "a floating commission from the legislative representative of the Brotherhood of Locomotive Engineers." He was furnished a copy of the proposal we had submitted to the Labor Commission, and which had been voted by the members of our organization to be acceptable to them.

While we believe no man would be so obtuse as to think he could be justified in asking for the benefits of such a plan unless he was willing to abandon his right of action

in cases of injury, yet until the new scheme has demonstrated its advantages we should insist upon the privilege to elect whether we select the new plan or proceed to recover under the law.

In writing me in connection with this matter, and referring to a previous communication, Mr. Warner said: "It is the abandonment of right of action that insures the comparatively large payment, and that is the gist of this paper which I wrote.

"You put the matter yourself very neatly when you say that it would be a good thing to have the railroads pay to each employee injured such a percentage of his wages as in the aggregate would equal the sum paid at the present time by the railroads in court expenses. In other words, that the fund now devoted to taking care of damage suits should be devoted to taking care of the employee direct.

"By its terms this involves the abandonment by the employee of his claims for damages; for I understand that the railroad is not willing to agree to any scheme which does not permit them to know in advance pretty much how they are going to stand for the ensuing year. This is their objection to any scheme which may be proposed."

Mr. Warner had been informed that we found the railroads indifferent as to any proposition we advanced. In reference to this Mr. Warner writes: "You say that you want a proposal from the railroads, and that the high authorities whom you reached were evasive and appeared to be satisfied. I found exactly the same state of affairs.

"It is perfectly clear that so long as the railroads think that the trainmen are satisfied, they will make no move. It is perfectly clear that until the trainmen get up in a body and say what they want the railroad will pay no attention. I cannot see how there can be any doubt in your mind upon this point."

We are constrained to believe Mr. Warner is right, but in the light of recent developments, such as the establishment of Civic Federations, in which the railroad officials hold executive offices, we hoped through the medium of these organizations to attain our purpose without recourse to the more radical methods of other days.

The skillful physician interested in the welfare of his patient will note the beat of the pulse, or the rise in the temperature, and strive to allay the fever before it gets beyond control. So, too, the true representatives of labor organizations, hearing the rumblings of discontent try to remove the causes and obtain the remedies before the eruptions take place. By such practices as these we distinguish the labor leader of to-day from the agitator of former times. Many employers of labor and officials of corporations look upon such persons as well intentioned fanatics, representing advanced ideas entirely unsupported by persons whom they affect to represent. The so-called "captains of industry," for what they probably consider to be a policy of expediency, refuse to negotiate a peace treaty until obliged to face the army drawn up in battle array. As a result of this practice the labor agitator has ever at hand ready ammunition with which to hurl shot at the conciliator's camp.

Eventually when the corporations are obliged to capitulate their concessions are accepted as the spoils of war.

In the pursuit of his purpose as supplementary to the knowledge he already possessed in order to fortify his conclusions as to the best methods of adjusting the matter of employers' liability for personal injuries to employees, Mr. Warner was obliged to go through a large number of reports upon the subject both American, English, French and German, not to mention some considerable calculations on his own part.

The result of his labor, which was prefaced with practically such opinions as have been written here, and in the re-

port of the Labor Commission of Carroll D. Wright, was to appoint a committee "to go on with our educational propaganda until the railroad employees have been brought to a point where they will unqualifiedly back up some measure on lines which have been suggested, or if these are not satisfactory on other lines. The Committee should consist in my opinion of three representatives of trainmen who should busy themselves in an investigation of the scheme in other cases where it has been tried. This Committee you will observe is acting under the express direction of the brotherhood."

The "scheme" which Mr. Warner refers to, is some plan to be devised whereby one side gives up its right of action, and the other side makes a much larger provision than that suggested in my proposal.

The suggestion of Mr. Warner is worthy of most careful consideration, and its author is entitled to proper recognition from all classes of railroad men for his untiring efforts in their behalf.

To whatever degree we may desire a satisfactory adjustment of these affairs through the efforts of Mr. Warner, it is unwise to trust to the current of coming events to carry us to safe anchorage in a snug harbor. We know too well the tactics of our railroad representatives to furnish them such a good excuse to postpone so indefinitely remedial measures in reference to employer's liability.

With no desire to unduly bias the mind of others against the opinions expressed in his suggestion, yet with the full knowledge of my purpose by Mr. Warner, I wish to dissent from his views.

It seems after the exhaustive research of the Labor Commission, only cumulative evidence could be acquired by such a committee as Mr. Warner suggests. Are we to act for all time as supplicants to these corporations to obtain what a governmental commission admits is our due? Why

should we wait any longer? Is it not about time we should act for ourselves?

To clip the corporation's wings of intimidation, let us have embodied in our trade agreement a clause to the effect, that no discrimination shall be made against any employee appealing to the courts for damages sustained by personal injuries. Next, *demand* of the corporations such an increase of wages as will insure us against loss from injuries in such cases as the law should, but fails to provide. What reasonable objection can be made to this plan? Is it because we preach conciliation that these corporations think they can do as they please? In other days, foremost in the line of battle was the Locomotive Engineers. Around the old ensign the men will e'er rally and show to the world, should occasion require, that they will still fight in defense of their rights.

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